S. HRG. 101-257

NOMINATIONS OF CONSTANCE B. HARRIMAN AND JOHN F. TURNER

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

THE NOMINATIONS OF CONSTANCE B. HARRIMAN, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR, AND JOHN F. TURNER, TO BE DIRECTOR, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

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NOMINATIONS OF CONSTANCE B. HARRIMAN AND JOHN F. TURNER

MONDAY, JULY 24, 1989

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 2:07 p.m., in room 406, Dirksen Senate Office Building, Hon. Quentin N. Burdick (chairman of the committee) presiding.

Present: Senators Burdick, Breaux, Chafee, Symms, and Simpson.

Senator BURDICK. Senator Wilson, we are glad to have you here to introduce Ms. Harriman. Please proceed.

STATEMENT OF HON. PETE WILSON, U.S. SENATOR FROM THE STATE OF CALIFORNIA

Senator WILSON. Thank you, Mr. Chairman.

I have the very great pleasure and privilege today to appear before your committee for the purpose of introducing Constance Harriman, the President's nominee for the post of Assistant Secretary for Fish, Wildlife, and Parks, Department of Interior.

Connie Harriman hails from a California family which has distinguished itself in the field of public service for many, many years. I have known the Harriman family for over 20 years now, and I am delighted that Connie is in a position to continue her family's tradition of public service and indeed her own tradition.

Connie is a bright, dedicated, and a thoroughly competent professional, an attorney whose career has been marked by superior legal skills and by management expertise, both of which have served her very well in the work that she has done as a top lawyer for the Reagan Administration, both at the Department of Justice and at the Department of Interior.

As the Interior Department's Associate Solicitor for Energy and Resources in 1986 and 1987, she advised Cabinet Officers on issues that involved energy, natural resources, and public lands. In this capacity, she has developed the kind of knowledge, the experience, and the expertise that will be required to effectively manage the Fish, Wildlife, and Park needs of the Nation.

As a native Californian, she is someone possessed of longstanding sensitivity to natural resource issues and would prove and excellent addition to President Bush's Department of the Interior management team. Having been an attorney here in Washington, she understands fully the policy-making dynamics of this city and I

think that her experience in that regard will allow her to hit the ground running at the Interior Department, where she will obviously face many challenging issues.

Among them are the administration of the Endangered Species Act. That act and questions arising from it continue to present very complex planning and management issues in my State and elsewhere. I think that someone with her background and her uncommon common sense at the helm of Fish, Wildlife, and Parks, can help to sort out the complex problems connected with the administration of that act and the other responsibilities that attend that post.

Mr. Chairman, you have the record of the nominee before you. I am sure that the committee staff and the members are familiar with it, so rather than take your time indulging myself in the pleasure of reiterating what is in the record, I will simply say that I think Constance Harriman is superbly equipped for this challenge, both intellectually and by experience and character. I think she will bring great conviction and great energy to the discharge of her duties, and I would urge respectfully that the committee report enthusiastically a recommendation that the full Senate confirm her appointment as Assistant Secretary of Fish, Wildlife, and Parks.

Thank you for the opportunity to appear on her behalf.

Senator BURDICK. Thank you, Senator Wilson.

I am delighted now to introduce the two Senators from the great State of Wyoming.

STATEMENT OF HON. MALCOLM WALLOP, U.S. SENATOR FROM THE STATE OF WYOMING

Senator WALLOP. Mr. Chairman, it is a pretty rare privilege that gathers up Al and I today. We have known John Turner as a legislator and friend, and a friend of our families, for longer than makes useful to recount.

It is rare that you find a nominee so completely suited to the position for which he has been chosen. John has legislative experience and understands government. He has management experience. He and his family run one of the very best guest ranches in Grand Teton National Park, and have for a long, long time, with a variety of services to the public which include, knowledge of, information about, and appreciation for the wildlife of that region.

He has a Masters in Wildlife Ecology—I do not know how many people who have been directors of the Fish and Wildlife Service who have actually ever studied the Service's principal focus, but John has. He has been the President of our Senate in Wyoming, and he understands the very complex structure of Federal Land Management and how it relates to public and private interests.

When you bring all of that together with character, integrity, and demonstrated competence in the field of wildlife, it comes down to a moment in time which is really much to the credit of the President in his choosing such a man, and clearly to the credit of John Turner that he has accepted this challenge. You and I know the nature of the things that are coming along in wetlands and wildlife preservation in America.

I might just say that his family, his mother, mother-in-law, father-in-law, and his wife are here in the audience. I am sure John will introduce them.

Suffice it to say that it is a real treat when a friend has every reason professionally and personally to be that nominee, so I can recommend him as a friend and with confidence that he will be precisely what the President needs to fill this position.

Senator BURDICK. Thank you. We have both Wyoming Senators here today.

Senator Simpson.

STATEMENT OF HON. ALAN K. SIMPSON, U.S. SENATOR FROM THE STATE OF WYOMING

Senator SIMPSON. Mr. Chairman, I thank you very much. I think you have the whole delegation. I believe Congressman Thomas is here somewhere in the building. There are not many of us. It's the land of high altitude and low multitude, as we say.

Thank you, Mr. Chairman, for your courtesies in arranging this hearing at this time so that we can hopefully move this along as soon as possible.

I do want to welcome Constance Harriman. I look forward to working with her in her work as Assistant Secretary for Fish, Wildlife, and Parks. We worked with her before with our friend Secretary Hodel, and both Malcolm and I and Congressman Thomas look forward to that continuation.

Malcolm has stated very beautifully that we both have served with this man in the legislature. We know him very well and have known him for many years. It is such a pleasure to see the candidate fit the job in the way that this man does. It is a perfect opportunity, a perfect fit.

Malcolm spoke of the family business. There are many here in Washington who know the Triangle X Ranch, know the care, attention, and love of the environment that these people use in their dealings with the public and the use of the public lands.

John Turner understands this delicate relationship that exists between the Federal Land Managers and the local populations that live in and around the Federal Lands in the West. Most people in the West embrace this concept of multiple-use, where Federal lands are used for commercial activities and recreational activities and often, simply as wilderness. It is difficult to get that across sometimes.

Both of us have served with him and he has been a great legislator. You heard of his educational accomplishments. He was into ecology before people knew what the word was, with his Bachelor's Degree in Biology and a Master's in Zoology. And more than that, as a politician in the Wyoming Legislature, he understands the biological and political aspects of wildlife management, issues that we call bio-politics. I do not know what we call them in this committee, but we do have bio-politics in this committee—Jennings Randolph, Bob Stafford—we do get into that.

John Turner will be right smack in the middle of those things, but it will be good to have him there because he will give us the facts. He will not just furnish us with emotion.

That is what makes these things rupture along the fault line as we deal with these tough environmental issues. People get all souped up and get their minions all souped up, and we suffer because we do not get facts. We are going to get facts from John Turner. So often those things are forgotten in the process.

He published a book on bald eagles. I do know that John Chafee will be interested in that because he saw his first bald eagle out there a couple of years ago.

So with my senior colleague, it is a great pleasure to welcome John, his wife Mary Kay, Kathy and Frank Brady, his in-laws and Louise Bertschy, his remarkable mother. I am looking forward to working with him. He is going to serve this country well and loyally and with ultimate fairness.

What more is there to public service than that? He is just a remarkable gentleman.

Thank you, Mr. Chairman, for your courtesies, and those of the Ranking Member, Senator Chafee.

Senator BURDICK. Thank you, gentlemen.

The committee meets today to hear first from Connie Harriman who has been nominated by the President to be the Assistant Secretary of the Interior for Fish, Wildlife, and Parks. Then the committee will hear from John F. Turner who has been nominated to be the Director of the U.S. Fish and Wildlife Service.

I want to welcome you both to the hearing and I look forward to your testimony.

Senator CHAFEE. Mr. Chairman, could I just say that it is remarkable to have not only the two Senators from Wyoming here, but to think that both of them and Mr. Turner all served together in the Wyoming Legislature at the same time. Mr. Turner served for 19 years so that certainly encompassed the time when Senators Wallop and Simpson were there, so that is highly unusual. I cannot remember anything like that around here.

Senator BURDICK. Who is taking care of the legislature now?

Senator CHAFEE. It is a pretty talented legislature; that's all I can say.

Is Congressman Thomas in the room?

Mr. THOMAS. I am here, Senator.

Senator CHAFEE. Would you like to say a word?

Mr. THOMAS. Yes.

Senator CHAFEE. Don't tell me you were in the legislature too—you were all there together?

Mr. THOMAS. As a matter of fact, Senator, I was.

Senator CHAFEE. That is a pretty high-powered place.

Please proceed.

STATEMENT OF HON. CRAIG THOMAS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Mr. THOMAS. Mr. Chairman, let me tell you that it is a pleasure and an honor for me to join with my associates to welcome John to this table. No one could be better qualified and none of us could be more proud than to have him be a nominee for this important job which he will do very well.

Thank you very much for giving me this opportunity.

OPENING STATMENT OF HON. QUENTIN N. BURDICK, U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator BURDICK. As the Assistant Interior Secretary, Ms. Harriman, if confirmed, would have the responsibility of overseeing the National Park Service and U.S. Fish and Wildlife Service and its Director, Mr. Turner. Ms. Harriman has already appeared before the Energy and Natural Resources Committee to discuss park issues and that committee has reported her nomination unanimously.

The committee has jurisdiction over fisheries and wildlife, with focus on the duties of the Interior Department, particularly the U.S. Fish and Wildlife Service and conservation of these resources. The Interior Department's Assistant Secretary of Fish, Wildlife, and Parks and its Director of the Fish and Wildlife Service are charged with a number of key responsibilities, including protection of endangered species, wildlife habitat, and the conservation of waterfowl, other migratory birds, and sport fish like salmon and striped bass.

These are important duties. Fish and wildlife are an essential part of our Nation's great natural heritage. One in four adult Americans fish. One in ten adult Americans hunt. And over half of all of us either photograph or watch wildlife.

Most wildlife habitat is on farm or other private lands, so our nominees, if confirmed, will have another important duty: to work with farmers, other landowners, and local officials to find ways to sustain both abundant fish and wildlife resources and profitable agriculture. A first step of good faith in that direction would be to ensure that the Interior Department makes full payments in lieu of taxes to counties with U.S. Fish and Wildlife Service lands.

The nominees have sufficient experience to do the job. Ms. Harriman was an Associate Solicitor for Energy and Natural Resources under Interior Secretary Hodel. Mr. Turner has a Master's Degree in Wildlife and has been a leader in wildlife policy in the Wyoming Senate.

Ms. Harriman, Mr. Turner, if you are confirmed, I will watch with great interest to see how you do. I also stand ready to help you do your job well.

We will now hear from Senator Chafee for his opening statement.

OPENING STATEMENT OF HON. JOHN H. CHAFEE, U.S. SENATOR FROM THE STATE OF RHODE ISLAND

Senator CHAFEE. I want to join with you in welcoming Connie Harriman. I think she is going for one of the best jobs in the U.S. Government. If she gets paid for this job, well, then she is getting the icing on the cake. It is a great one.

I look forward to working with you in this. It is a difficult job as Assistant Secretary for Fish, Wildlife, and Parks. I have had the opportunity to meet with you. You come with outstanding credentials.

You got your undergraduate and Master's Degree in History from Stanford and then went on to UCLA for law. You practiced

law for the Interior Department and Energy and Natural Resources as well.

I just want to say a word about the President and his pledge about making the environment a top priority. In choosing you, he has shown that he is going to go forward with that pledge. One of the other pledges he made was that there should be no net loss of wetlands, restoration of our migratory bird population, and protection of threatened and declining species, not only in our Nation, but throughout the world.

These are difficult challenges. The one dealing with wetlands alone is extremely difficult if you include in that what is happening in Louisiana due to natural circumstances to some degree. That makes it even more challenging. We have got to hold the line there.

Last week we reported out S. 804 to conserve and enhance priority wetlands under the North American Waterfowl Management Plan. Another area that I will be interested in is the updating of the coastal barrier resource system. As I understand it, the Department has recommended about 800,000 additional acres for inclusion into the system on the Atlantic and Gulf coasts.

We will be holding hearings, I assume, in this committee on those recommendations and will work with you and others to develop legislation to increase the geographic scope and to improve the 1982 law. I am deeply interested in that since I was the author of that particular legislation dealing with the coastal barrier islands and beaches.

Another important piece of legislation which I hope to work with you on is the American Heritage Trust Bill, which creates a dedicated national trust fund to protect open spaces and historic sites and provides a mechanism with which to ensure a continuing legacy of natural and cultural heritage for future generations.

I do appreciate your scheduling these hearings, Mr. Chairman. I think that the President and Secretary Lujan need to get their people in place.

Mr. Turner likewise comes with extraordinary credentials which have been outlined by both Senators from Wyoming. He has a Master's Degree in Wildlife Ecology, continued graduate research in that and zoology, and 19 years experience in the Wyoming Legislature.

Mr. Turner, you have been personally involved with the environment and outdoor activities in your State. As I understand it, there has recently been created a 27,000 acre Wyoming Wetland Preserve. So you are up to date on these issues, and of course, you will be involved with the no net loss of wetlands.

I am delighted that the President selected you and delighted that you are willing to take the job. It is a big move for you and your family to come here into this environment from what I am sure was a very, very pleasant life out there in Wyoming. We are very pleased to have you.

I do believe, Mr. Chairman, that Ms. Harriman's parents are here from California. Could we recognize them?

Senator BURDICK. Of course.

Mr. HARRIMAN. Mr. Chairman, it is a great pleasure and honor to be here today. Thank you.

Senator CHAFEE. Well, you are the long-distance commuters.

Mr. Turner, your wife, mother, and in-laws are here also. Why don't we recognize them?

Mr. TURNER. Senator, it is with great pleasure that I introduce my wife of two decades, and best friend, Mary Kay; my mother, who has come all the way from Moose, Wyoming, Louise Bertschy; and also my fine in-laws Catherine and Frank Brady from Michigan.

Senator CHAFEE. It is always a treat to meet the parents and spouses of those who we are going to confirm.

Thank you, Mr. Chairman.

Senator BURDICK. Senator Breaux, do you have a statement?

Senator BREAUX. No statement, Mr. Chairman.

Senator BURDICK. Senator Symms.

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Mr. Chairman, I have very brief statement in support of both nominees. I will ask unanimous consent that it be included in the record.

I also welcome both of them here this morning and look forward to working with them.

Senator BURDICK. Without objection, your statement will be received.

[Senator Symms' statement follows:]

OPENING STATEMENT OF HON. STEVE SYMMS, U.S. SENATOR FROM THE STATE OF IDAHO

Mr. CHAIRMAN. Having met with both nominees, I'd like to add my words of support to those of my colleagues from California and Wyoming.

Both Connie and John hail from the West, where questions of how to best protect unique and endangered species of wildlife carry particular importance. Wildlife cannot be managed in ways that trample on peoples' jobs and livelihoods. Both Connie and John recognize this, and I have a reasonable expectation that this recognition will lead to a balanced wildlife protection policy.

Senator BURDICK. Our first witness is Connie Harriman.

Please proceed, Ms. Harriman.

STATEMENT OF CONSTANCE B. HARRIMAN, NOMINATED TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR

Ms. HARRIMAN. Mr. Chairman and Members of the Committee, I am pleased and honored to be here today.

I would like to thank Senator Chafee for his very kind remarks and also to thank my parents for coming the distance to be here with me today.

Mr. Chairman, I have a written statement. I would like to just make a few comments and ask that my statement be submitted for the record.

Senator BURDICK. It will be received.

Ms. HARRIMAN. A recent study by the pollster, Lou Harris and others, entitled "The Rising Tide," indicates that the American public ranks the environment as one of the most critical issues facing our nation. I share the public's concern for safer drinking water, cleaner air, restored and expanded parks, and healthier

wildlife refuges. These are deep personal concerns of the Secretary and President Bush as well.

Let me assure you that I also consider our environment the most important asset we possess. Furthermore, I am keenly aware of the critical role that the Department of the Interior has in the conservation and wise use of our environment. The Assistant Secretary for Fish and Wildlife and Parks plays one of the most important parts in this process.

Since early childhood, I have had an abiding interest for the remarkable American outdoors. I have camped, hiked, or visited not less than 27 units of our National Park System. I am a bicyclist, jogger, snorkeler, and horseback rider, and I have vacationed in many different areas of the country, from Idaho to Lake Erie to Cape Cod.

Being a Westerner as well as someone who has worked within the Department of the Interior, I am deeply conscious of the broad and important responsibilities of the Assistant Secretary for Fish and Wildlife and Parks. Let me tell you what I will bring to that job.

My study of history and law and my years as a practicing attorney have shaped my approach to management and decisionmaking. You might like to know about my management style.

I will encourage debate. I will draw upon experts, particularly the dedicated professionals in the National Park Service and the Fish and Wildlife Service. I will encourage career people to speak out and to think creatively. I will seek the views of the environmental community and other constituent groups. I will continually consult with Senators, Congressmen, and their staff.

My style will be inclusive, responsive, and above all, fair. I will seek balanced, bipartisan solutions to our challenging natural resource problems. If confirmed, I will diligently pursue the goals set by the President and the Secretary.

In conclusion, I believe the Assistant Secretary for Fish and Wildlife and Parks has a fiduciary responsibility to the American people, both of today and of the future, to be a vigilant steward of our Nation's natural heritage, a steward of its cultural heritage, and a steward of its historic heritage. If confirmed, I will be that steward.

I will leave you with this thought expressed by John Muir:

> Who could ever guess that so rough a wilderness should yet be so fine, so full of good things. One seems to be in a majestic, domed pavilion in which a grand play is being acted, with scenery and music and incense. Yet, when we try to pick out anything by itself, we find it hitched to everything else in the universe.

Gentlemen, we must protect and nurture and keep it ever thus.

I would be happy to answer any questions you may have. Thank you.

Senator BURDICK. I have a few. I am curious—where did you take your law?

Ms. HARRIMAN. At UCLA Law School in Los Angeles.

Senator BURDICK. You know as far as I am concerned, there is only one law school.

Ms. HARRIMAN. Which one is that?

Senator BURDICK. University of Minnesota.

I majored in football and minored in law.

Do you know of any matters which you may not have already disclosed which might place you in any conflict of interest if you are confirmed to this position?

Ms. HARRIMAN. No, I do not.

Senator BURDICK. Are you prepared, at the request of any duly constituted committee of the Congress, to appear before it as a witness?

Ms. HARRIMAN. Yes, I am.

Senator BURDICK. Would you share your view of how we could improve efforts to help abundant fish and wildlife coexist with profitable agriculture? In other words, can fish and farmers get along?

Ms. HARRIMAN. Having worked in the Department for nearly two years and being aware of the various issues that are facing us today, I think that one of the most important things we in the Federal Government need to do right away is establish much better working relationships between the various Federal agencies. In the area that I would be working if confirmed, I am thinking of the Department of Agriculture, the Forest Service, and even within the Department, between BLM, the National Park Service, and the Fish and Wildlife Service.

I think that there is a great need for greater coordination and throughout this whole process, I think it is important that we look for a balance, which both President Bush and Secretary Lujan have stated in their stewardship goals, which is to conserve our Nation's resources while wisely managing them at the same time.

Senator BURDICK. Would you give me some assurance that you will do everything in your power, if confirmed, to make sure that our counties receive 100 percent of the payments in lieu of taxes that they are entitled to under law?

Ms. HARRIMAN. Mr. Chairman, I believe you are talking about the refuge revenue sharing issue, and I do have some views on that which I would like to share with you.

I am aware that there are many counties in North Dakota, South Dakota, and I believe also in Minnesota, that have not received their full funding. What this has created, which causes me some concern, is opposition to further land acquisition. I think that we need to deal with this problem.

Senator BURDICK. In other words, the counties should receive as much from this program as they were getting from the State before—there should not be any difference, should there?

Ms. HARRIMAN. If I am confirmed, I would hope that I could look into this particular issue and see that the States get full funding.

Senator BURDICK. For example, in North Dakota, today they will receive only 60 percent of what they received in 1980. That just ain't fair.

Ms. HARRIMAN. I will also say for the record that historically the Office of the Assistant Secretary for Fish and Wildlife and Parks and the Fish and Wildlife Service have supported full funding.

Senator BURDICK. Thank you very much.

Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman.

Ms. Harriman, the President talks about no net loss of wetlands. I am not sure what he means by that. The Senator from Louisiana

can say more accurately than I how much is being lost in Louisiana every year due. A very substantial amount of wetlands are being lost every year.

What is the statistic?

Senator BREAUX. Fifty-five square miles.

Senator CHAFEE. Fifty-five square miles. That translates into a lot of acres.

So what does the President mean, "No net loss?" He is starting off with that right off the top, 50 square miles. Is he suggesting that through mitigation or construction or creation of new wetlands that we are somehow going to have the country come out even? Or is he suggesting that we can stop the loss of wetlands in Louisiana? Do you have any ideas?

Ms. HARRIMAN. Senator Chafee, let me say first that I am very pleased that the President has made it clear to the American people that he is well aware of the crisis that we are in regarding our wetlands. I think that by stating this no-net-loss goal, he has inspired many people.

Admittedly, I think it is difficult implementing this goal. I think that is one of the reasons why the President has formed the Inter-Agency Task Force which is under the auspices of the Domestic Policy Council to address this particular issue.

I know there are a couple of questions they need to address in coming to terms with what no net loss means such as: Are we talking about acre for acre? How do you value created wetlands in comparison to natural wetlands? How do you value created wetlands in comparison to restored wetlands? I hope that they are going to be able to deal with these questions so that we can all get down to business.

Senator CHAFEE. I applaud the President. I am just curious—I am not sure what he means. If you start off with 50 square miles at the beginning, you have got to do a lot of work to make up that.

I look on that as more than a goal. I look on it as—well, I do not want to say a pledge—but it certainly is something that he expects us to achieve in this country, and I am all for it. I will do anything I can to help, but I think this presents quite a challenge to you and Mr. Turner if you are somehow going to reach that goal, which I hope you will.

I do not have any other questions of either of the witnesses, Mr. Chairman. Let me say that I am glad they are here.

Senator BURDICK. Senator Breaux.

Senator BREAUX. Thank you very much, Mr. Chairman.

I thank Mr. Turner and Ms. Harriman for being here.

Ms. Harriman, can you tell us a little bit about your thoughts on wildlife refuges? What do you think about hunting on wildlife refuges?

Ms. HARRIMAN. My understanding is that the threshold issue there is whether or not hunting is compatible with the primary purpose of the refuge. It is certainly not banned.

Senator BREAUX. Do you have any thoughts? The law says it is allowed if it is compatible. Do you have any feelings toward any of the refuges where you think it should not be allowed, or are there any where it is not currently being allowed that could perhaps support hunting?

Ms. HARRIMAN. I do not really have any specifics, no.

Senator BREAUX. What about drilling for oil and gas on wildlife refuges? How do you feel about that?

Ms. HARRIMAN. Again, it is my understanding that you have to look at the particular proposal or facts and apply the compatibility test in order to be able to determine whether that would be permissible.

Senator BREAUX. Do you have any preconceived opinions coming into the job as Assistant Secretary that oil and gas development is compatible or incompatible on refuges?

Ms. HARRIMAN. No, I do not have any preconceived opinions.

Senator BREAUX. I guess you are telling the committee that you are going to look at it on a case by case basis?

Ms. HARRIMAN. I would approach it as I believe we are legally required to do. While I do not have any preconceived notions, I would expect that we would look objectively to see whether or not the particular proposed activity would be compatible with the primary purpose of the refuge. If it were, then it would be permitted.

Senator BREAUX. What do you feel about the status of the Arctic National Wildlife Refuge? Do you think it should be changed into a wilderness or kept as a wildlife refuge, and if it were kept as a refuge, do you think that you can apply the compatibility test to that particular location and find that it would be possible to have oil and gas development there?

Ms. HARRIMAN. As to the question about the Arctic National Wildlife Refuge, which I believe is the second largest wildlife refuge in the country, the issue about drilling, I understand, is something that has been the subject of approximately 20 Congressional hearings since the issuance of the 1002 Report. The President has stated fairly recently that he supports drilling in the Arctic National Wildlife Refuge in an environmentally safe manner.

Senator BREAUX. You do not support it being changed in its legal status from a refuge to a wilderness area?

Ms. HARRIMAN. Senator, at this time I do not have a position on that.

Senator BREAUX. Another area under your jurisdiction would be the management of the Endangered Species Act. From a philosophical standpoint I would ask: in protecting those species that are listed as endangered, is it your feeling that we should consider having economic considerations being made part of the management of that act? The reason I asked that question is that some would argue that in protecting the species that are on the endangered species list, economic considerations should be taken into consideration to determine how much protection we should provide those particular species. My question, philosophically is: how do you feel about that?

Ms. HARRIMAN. First of all, the Endangered Species Act states that when you are dealing with a listing question, you cannot take economic considerations into account. Once the species is listed, however, it is my understanding that, for instance, in the case of the spotted owl, if it were to be listed, there is a mechanism within the act that allows economic considerations to be taken into account. If you are looking at Section 7 consultations which result in

bans on certain activities, it is possible to consider economies, but it is not mandated.

Senator BREAUX. One of the reasons I ask that is because of a very serious conflict that we have in the Gulf of Mexico with regard to the sea turtle and the shrimping industry. Shrimping is the largest fishing industry in America, accounting for hundreds of millions of dollars every year.

The conflict is between that industry and an endangered species. The question is the philosophy of the Department in considering whether to put an entire industry out of business, as they would argue, or do you take actions that mitigate their loss and may impinge upon the viability of a sea turtle, for instance? I guess your response is that you can consider economic consequences?

Ms. HARRIMAN. I did not mean to say that you could not consider that. What I meant to say is that it is possible to. You do not have to. I think that ideally, some sort of balance would be achieved.

Senator BREAUX. Balance between, what?

Ms. HARRIMAN. Balance between protection on the one hand and a State's economy or people's livelihood on the other.

Senator BREAUX. The Wallop-Breaux Statute represents a tax that sportsmen pay on fishing gear, rods, reels, lures, et cetera, which currently goes into a trust fund. There have been many in the Administration, particulary in the previous Administration, that have advocated terminating those funds going into a trust fund, saying that they should go through the regular appropriation process. How do you feel about that?

Ms. HARRIMAN. I would be inclined to not favor that.

Senator BREAUX. To not favor, which one?

Ms. HARRIMAN. To not favor having it be subject to annual appropriations.

Senator BREAUX. You would favor keeping it in a trust fund?

Ms. HARRIMAN. Yes, I would.

Senator BREAUX. As a follow-up to a point that our Ranking Member, Senator Chafee, brought up with regard to wetlands loss, I want to say that we are losing about 55 square miles per year in Louisiana. I noted that Mr. Turner created a wetlands refuge of 27,000 acres, which is great, but we lose that in about an hour in Louisiana. I will lose my entire State before too long if we do not do something about it.

What are your thoughts about the role the Federal Government has in assisting the States with regard to solving this problem?

Ms. HARRIMAN. First of all, Senator, I am very aware of the situation in Louisiana. I think the magnitude of loss there is greater than that of any other State.

Senator BREAUX. Louisiana represents 80 percent of the total loss in all of North America—that is just one State.

Ms. HARRIMAN. I realize that. For that reason I think that we need to focus on Louisiana. I would like to see Louisiana be a showcase for what we can do in reversing the loss of wetlands.

I understand you have introduced a bill dealing with the preservation of coastal wetlands. If confirmed, I look forward to working with you on that.

Senator BREAUX. Thank you very much.

Thank you, Mr. Chairman.

Senator BURDICK. Senator from Idaho.

Senator SYMMS. Thank you very much, Mr. Chairman.

Welcome to the committee, Ms. Harriman and Mr. Turner.

I want to direct a question to Ms. Harriman and ask you, Mr. Turner, to also answer it or speak to it when your turn comes. I have another meeting I must go to and I apologize to you that I must leave.

I want to get on the subject of aquaculture, which is a very fast growing sector of American agriculture, as I am sure you are both aware. For example, in my State of Idaho, we have an industry there that is worth over $150 million per year and employs well over 1,000 people. We provide about 80 percent of all the fresh trout that is sold commercially in restaurants as well as a great deal of the fish that people use for stocking streams and so forth in our State, so it is a very important industry.

It is important that the Fish and Wildlife Service has a good relationship with the industry. The reason I say that is that the Lacy Act, which is administered by Fish and Wildlife Service—the bulk of the eggs that come to those hatcheries in Idaho are shipped in from Washington State. That puts it in the area of Interstate Commerce, and it is very important to having a sound industry that we have a reasonable approach to implement the Lacy Act.

With respect to that, my first question is: are you willing to work with the agriculture/aquaculture industry to see that they get a lot of input as regulations are issued and that reasonable approaches are taken in the implementation of the Lacy Act that will not interfere with the process of producing these eggs in Washington State and shipping them to Idaho for development into fish?

Ms. HARRIMAN. Senator, I would look forward to working with them and receiving their input.

Senator SYMMS. I think this is a very important issue. You are going to be faced with this very soon, as soon as we get your rapid confirmation.

Aquaculture is probably more appropriately an agricultural interest, so thinking of that, I do not know as I would expect you to answer this question right now, but you might give it some thought. The question is: do you believe that the aquaculture industry would be better regulated by the USDA than it would by the Fish and Wildlife Service?

Ms. HARRIMAN. Can I get back to you on that one?

Senator SYMMS. I do not want to have you start your first day by talking about giving away part of the agency and becoming unpopular with all the professionals at Fish and Wildlife Service, so I do not expect you to answer that question—you either, John—but I think it is a question that, philosophically, we should all look at very carefully.

The nature of the Fish and Wildlife Service is one of preservation and conservation and the industry that I speak of is a new, growing agricultural industry. I think it is important that we get excellent cooperation with the agency that is more in line with the type of things that they regulate.

That is the reason I bring that up. It is a very big industry and a very important one in my State.

I would like to ask a question with respect to endangered species. Do you foresee that there is any way—and I would ask both of you to comment—that we could somehow, in this Endangered Species Act, instill some common sense so that we do not have to consider certain species endangered when they are in plentiful supply in some parts of the world?

In the case of grizzly bears and gray wolves, for example, there are thousands of them in Western Canada and Alaska, yet we end up in Idaho and other States, giving the grizzly bear and gray wolf priority over all other activities. It just seems to me that it begs common sense.

I wonder if there is any approach that you think we might come up with that could concentrate on saving species where we can save lots of them, making sense economically, but not necessarily be so dogmatic that the Endangered Species Act in its strictest enforcement completely interferes with the economic affairs of mankind. Would you want to comment on that and the common sense that seems to be lacking in some areas on this?

Senator CHAFEE. See, he has not taken a position on this one.

Senator SYMMS. Senator Chafee and I want to save thousands of species at once in the rain forests, but to concentrate on this other activity, I find some of it just pathologically irrational.

Ms. HARRIMAN. Obviously, the decision on whether or not to list is based on biological considerations. I do understand what you are saying, and I would always welcome being able to work from a common sense approach.

I certainly would welcome that, but I think we are bound to follow certain biological criteria and certain biological guidelines when we are dealing with the Endangered Species Act.

Senator SYMMS. Let me give you an example. In my State, they occasionally spot either a stray German Shepherd or a stray male wolf that has been pushed out of another pack and is roaming completely alone. There is no way that it is going to reproduce in that solo condition, yet if it is spotted enough times or if someone sees one of these lone, stray wolves, we have actually had road closures in the national forest that completely interfere with the people who are regular users of certain forest roads, based in my opinion on very skimpy evidence that anything harmful is being done to endangered species.

Some of my people in Idaho who have spent a lifetime studying wolves and other animals like this say it is just absolutely senseless to create this kind of environment and to create the public polarization that comes with it. That is the reason that I would appeal to you for a reasonable approach on some of these things with the Fish and Wildlife Service with your work in conjunction with other land management agencies, the BLM, the Forest Service, State Lands Departments, and other private landholders, because it creates an enormous polarization that I think could be avoided if we just used a little bit of common sense.

I believe my time has expired, Mr. Chairman. Thank you.

Senator BURDICK. Any more questions of this candidate? If not, we will proceed with Mr. Turner.

[Ms. Harriman's written statement, and responses to a committee questionnaire and additional questions follow:]

STATEMENT OF CONSTANCE B. HARRIMAN
BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
JULY 24, 1989

Mr. Chairman and distinguished members of the Committee, I am honored to appear before you today as President Bush's nominee to be the Assistant Secretary for Fish and Wildlife and Parks. It is especially gratifying because, if confirmed, I will be the first confirmed female Assistant Secretary for Fish and Wildlife and Parks in the Department's history.

I am a native Californian. I was born on the campus of Stanford University, where my father studied law. After 16 years growing up in Los Angeles I returned to Stanford for both college and graduate school. I graduated Phi Beta Kappa, with a Bachelor's Degree in History and later I obtained a Master's Degree in History. In 1980, I graduated from UCLA Law School. Since then, I have spent approximately seven years as a litigator at two distinguished law firms -- one in Los Angeles, the other in Washington, D.C.

In addition to my private sector experience, I have spent nearly three years working in the Federal Government -- during 1982 at the Department of Justice in the Office of Legal Policy and from 1985 through 1987 at the Department of the Interior in the Office of the Solicitor.

I have an abiding appreciation and awe for the spectacular American outdoors. I am a hiker, a jogger, a bicyclist, a horseback rider, a snorkler, and a water skier. Sometimes, like Thoreau, I enjoy just sitting and observing nature.

My enthusiasm for America's National Parks began at the age of four when my parents took my older brother and me to Sequoia and King's Canyon National Parks. Since then, I have camped, hiked, or visited at least twenty-five other units of the National Park System from Haleakala National Park in Hawaii to Cape Cod National Seashore in Massachusetts.

I have also spent memorable summer days at other beautiful areas such as Payette Lake, Idaho, Lake Erie. Today, my love of the outdoors is nurtured by my frequent walks in the Montgomery County Park behind my house where I experience first-hand nature's restorative powers.

In addition to my reverence for the remarkable American outdoors, I have a special appreciation for historic preservation. This appreciation was heightened during my sophomore year in Florence, Italy. I lived there immediately after the Great Flood of 1967. Watching meticulous craftsmen painstakingly and lovingly restore,

brushstroke-by-brushstroke and nail-by-nail, the architectural treasures synonomous with Italy's past, impressed upon me the need to protect, preserve, and restore our Nation's historic treasures.

My study of history and law and my years as a practicing attorney have shaped my approach to management and decisionmaking. I have learned over the years that to reach a well-informed and defensible conclusion, you must first recognize what you don't know and rely on experts who do. Second, identify peoples' biases and threshold assumptions. Third, form a question properly to avoid a predetermined answer. Fourth, relentlessly seek out the facts and consider every data source and point of view. Fifth, carefully weigh and balance competing claims and perspectives. And, finally, make a decision based on the best available data, rigorous reasoning, and your best judgment.

In this spirit, if confirmed, I will encourage robust debate of the issues under my purview. I will continually draw upon the experience and expertise of the outstanding professionals in the National Park Service and the Fish and Wildlife Service. I will encourage career employees to speak out and to think creatively. I will also seek out the views of the environmental community and other groups. I will continually ask Senators, Congressmen, and their staffs for help, advice, and constructive criticism.

In short, my management style will be to welcome the views of all interested parties, to build a strong factual record, and to seek consensus. My overriding goal is to be inclusive, responsive, and fair.

As an attorney, I am mindful of the myriad laws affecting the missions of the National Park Service and the Fish and Wildlife Service and the laws affecting management of natural resources in the Park and Refuge Systems. I am also mindful of the need to comply with existing law and, in particular, to carry out Congressional intent.

President Bush has said:

> "[T]he protection of the environment and the conservation and wise management of our natural resources - this whole notion of stewardship - must have a high priority on our National agenda."

If confirmed as Assistant Secretary, I will diligently pursue the goal of both President Bush and Secretary Lujan of STEWARDSHIP of our natural resources. The Assistant Secretary for Fish and Wildlife and Parks has a fiduciary responsibility to the American people to be a vigilant steward of our Nation's natural, cultural, and historic heritage. In addition, I will support fully the 10-point agenda outlined by President Bush and Secretary Lujan for the Department of the Interior.

Mr. Chairman, in closing I would like to mention a recent study entitled The Rising Tide. This study highlights recent public opinion polls conducted by Harris and others. It indicates that the American public ranks the environment as one of the most critical issues facing our Nation. It also indicates the public has lost confidence in our Government's ability to protect the environment. I share the public's concern for safer drinking water, cleaner air, restored and expanded parks and healthier wildlife refuges. These are deep personal concerns of President Bush as well. I believe that under the able leadership of President Bush and Secretary Lujan, a unique opportunity exists to confront the environmental issues challenging our Nation. We have the motivation, we have the ability, and we have the commitment.

Mr. Chairman, Members of the Committee, that concludes my statement. I will be glad to answer any questions you may have.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Harriman (Last) Constance (First) Bastine (Middle)

Position to which nominated: Asst. Sec. Fish & Wildlife & Parks **Date of Nomination:** 6/5/89

Date of birth: 9 10 48 (Day) (Month) (Year) **Place of birth:** Palo Alto, California

Marital status: Single **Full name of spouse:** _____

Name and ages of children: _____

Education:

Institution	Dates attended	Degrees received	Dates of degrees
U.C.L.A.	9/77-6/80	J.D.	6/80
Stanford	9/71-12/72	M.A.	1/73
Stanford	9/65-1/70	B.A.	1/70

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

1. Associate - Steptoe & Johnson, Washington, D.C. - 2/89-present; 5/87-8/88
2. Volunteer - Presidential Transition, Washington, D.C. - 12/88-2/89
3. Deputy State Director - Victory '88, Calif. Republican Party, Los Angeles, Calif.- 8/88-11/88
4. Associate - Steptoe & Johnson, Washington, D.C. - 5/87-8/88
5. Associate Solicitor, Special Asst. to Solicitor - DOI, Washington, D.C. - 9/85-4/87

Employment record—Continued

6. Associate - Sheppard, Mullin, Richter & Hampton, Los Angeles, Calif. - 5/83-8/85; 6/80-11/81
7. Attorney Advisor - DOJ, Washington, D.C. - 9/85-4/87
8. Associate - Sheppard, Mullin, Richter & Hampton, Los Angeles, Calif. - 6/80-11/81
9. Law Clerk - Adams, Duque & Hazeltine, Los Angeles, Calif. - 6/79-8/79
10. Law Clerk - Johnson, Manfredi & Thorpe, Los Angeles, Calif. - 6/78-8/78
11. Management Trainee - Wells Fargo Bank, Los Angeles, Calif.- 4/76-12/76
12. Teaching Associate - University of Calif., Irvine, Calif. - 9/74-6/75
13. College Administrator - Orange Coast College, Costa Mesa, Calif. - 1/73-9/74
14. Campus Liaison, Republican Associates, Los Angeles, Calif. - 6/70-12/70
15. Travel Counselor, Gibson Travel, Los Angeles, Calif. - 1/70-6/70

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Phi Beta Kappa

Dean's List, Stanford University

UCLA Law Review

Distinguished Invitee to Moot Court, UCLA

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
American Bar Association	1/81 - present	
D.C. Bar	8/83 - present	
Calif. Bar	12/80 - present	
Los Angeles County Bar	1/81 - 8/85	
Stanford Alumni Association	1/70 - present	
UCLA Alumni Association	1/80 - present	
Phi Beta Kappa	1/70 - present	
Junior League	12/86 - present	

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

1. Previous experience with the policies, personnel and organization of the Department of the Interior as Special Assistant to the Solicitor and Associate Solicitor for Energy & Resources from 1985 to 1987;

2. Nine years experience as an attorney in private practice specializing in litigation and settlements;

3. Experience in the Office of Legal Policy at the Department of Justice specializing in policy initiatives and Congressional relations.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes, I will sever all connections with my present employer.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

I have no plans to resume employment with my present employer or any previous employer.

3. Has anybody made a commitment to you for a job after you leave government?

No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

I have not been appointed for a fixed term.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No.

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

1. 1982 - Left DOJ to return to my law firm after a one-year leave of absence.

2. 1987 - Left DOI to return to private sector (law firm of Steptoe & Johnson).

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are any assets pledged? (Add schedule).

No.

4. Are you currently a party to any legal action?

No.

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

1988 Return has not yet been filed. I will be filing it as soon as possible.

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

I know of none.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

1. Transactional and legislative advice to Nature Conservancy concerning proposed debt-for-nature swap.
2. Advice to Amoco Production Co. concerning an administrative rulemaking (MMPA regs re incidental taking).
3. Advice to Amoco Production Co. concerning administrative appeal procedures before the Dept. of Commerce (C2MA consistency appeal).

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

The method I pursue to resolve any potential conflict of interest or the appearance of a conflict of interest will be based on the advice I receive from the Department of Interior's Designated Agency Ethics Official. Attached is a copy of the Designated Agency Ethics Official's opinion letter to the Office of Government Ethics concerning my reported financial interests.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

In the event that I am confronted by a situation that may result in, or create the appearance of a conflict of interest, I shall report the situation to and seek the advice of the Department of the Interior's Designated Agency Ethics Official.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

None.

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

None.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

No.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

AFFIDAVIT

District of Columbia

Constance B. Harriman) ss. being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Constance B. Harriman

Subscribed and sworn before me this 23 day of June , 19 89.

Elizabeth J. Steinwood
Notary Public

My Commission Expires March 31, 1993

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

Honorable Quentin N. Burdick
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for the opportunity to appear before the Senate Environment and Public Works Committee. I am enclosing my responses to questions submitted for the record following my confirmation hearing on July 24.

Please let me know if I can be of any further assistance. I look forward to working with you and your Committee in the coming months.

Sincerely,

Constance B. Harriman

Constance B. Harriman
Assistant Secretary for Fish,
Wildlife and Parks-Designate

Enclosures

cc: Honorable John H. Chafee, Ranking Minority Member
Committee on Environment and Public Works
United States Senate

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Lieberman

1. Question: Would you recount for me the major issues that you worked on when you served in the Solicitor's Office at Interior and the important decisions you made or assisted in making?

Answer: I supervised the preparation of the Government's summary judgment motion in National Wildlife Federation v. Burford, Civil Action No. 85-2238 (D.D.C., decided November 4, 1988), rev'd No. 88-537 (D.C. Cir., decided June 20, 1989), which ultimately led to the dissolution of a nationwide injunction affecting over 180 million acres of public lands. While the court of appeals reversed the trial court's finding that plaintiffs had no standing, it did not reinstate the injunction.

I supervised the defense to a challenge by water users of the full cost provisions of section 203(b) of the Reclamation Reform Act of 1982, commonly known as the "hammer clause." See Peterson, et al. v. Interior, Civil No. S-85-1644-RAR (E.D. Cal., dec'd July 14, 1987), appeal docketed No. 87-2681 (9th Cir.).

Working with the Associate Solicitor, Conservation and Wildlife I prepared a memorandum addressing the Bureau of Land Management's present legal obligations to manage timber lands for the protection of the northern Spotted Owl. The memorandum concluded that because the Owl is not listed under the Endangered Species Act, BLM has the discretion to manage for the protection of the Owl but no legal obligation to do so.

I participated in the legal work surrounding the cleanup of Kesterson Reservoir in California. I supervised the legal work surrounding the cleanup of the Lee Acres hazardous waste site in New Mexico.

I participated in the settlement of the Colorado Ute Indian water rights claim (commonly known as the Animas-La Plata Settlement).

I worked on the interim Operating Criteria and Procedures for the 1987 water year on the Newlands Project. This involved consideration of issues relating to water rights, including Indian water rights, and protection of endangered species.

I assisted in the Department's analysis concerning possible amendments to the Alaska National Interest Lands Conservation Act relating to the ability of Alaska natives to dispose of their interests in Alaska native corporations beginning in 1991.

I played a major role in settling an appeal brought by Chevron contesting a Department of Commerce ruling that Chevron's Platform Gale project was inconsistent with the Coastal Zone Management Act. The settlement was entered into by the California Coastal Commission, the Department of the Interior, and Chevron. It resulted in Chevron dropping its appeal and agreeing to stricter mitigation measures.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Lieberman

2. Question: Having spent two years in the Interior Department, what is your assessment of the relative priority ranking of Fish and Wildlife and Parks issues in the Department over the past several years? Do you agree with that priority ranking?

Answer: I believe Fish and Wildlife and Parks issues, whether "ranked" formally or coming to the fore as the result of public interest, have received intense and pervasive attention within the Department over the past several years. Such issues as Park Service fire policy, oil and gas exploration in the Arctic National Wildlife Refuge, the Vietnam War Memorial, conversion to steel shot for waterfowl hunting, and numerous other land acquisition and endangered species issues, have been as much a focal point within the Department as in the Nation's media. Issues evolving from Fish and Wildlife and Parks have received their fair share of attention.

Within this Administration, both the President and Secretary have placed a high priority on parks and wildlife issues. If confirmed as Assistant Secretary for Fish and Wildlife and Parks, I intend to have Fish and Wildlife and Parks' issues remain in the forefront of Departmental issues.

3. Question: Recognizing that the Administration and the Congress are faced with serious budget constraints, what things would you consider undertaking within Fish and Wildlife and Parks to make the agencies more effective in protecting our National natural heritage?

Specifically, how would you insure the protection of our national parks and refuges, given the well-documented deficiencies in funding in every category of the two agencies' operations?

Answer: If confirmed, I intend to work with my Directors on improved morale among the career professionals, increased emphasis on interpretive and educational programs so the public will better understand the value of our natural heritage, additional partnerships with State and local goverhments and the private sector to protect important areas of concern, and strong emphasis on increased voluntarism and promotion of the Department's Take Pride program.

In addition, I will focus on (1) protection of wetlands; (2) recovery programs under the Endangered Species Act; (3) migratory bird habitat projects; (4) problems of erosion of park operation bases, particularly in smaller established parks; (5) natural resources management and research; and (6) land acquisition consistent with the President's FY 90 budget direction.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Lieberman

4. Question: Given your current understanding of the major issues faced by the Park Service and the Fish and Wildlife Service, would you describe for me your short list of highest priorities for each of those agencies?

Answer: The issues facing the National Park Service are as diverse as the more than 350 units of the National Park System themselves. The most difficult tasks facing the National Park Service include air and water quality, habitat management, protection of cultural resources, Park Service housing, and the maintenance and rehabilitation of an aging infrastructure.

Of the many issues facing the Fish and Wildlife Service, I am particularly concerned about the continued decline of waterfowl and numerous species of wildlife, fish, and plants which often results in their requiring protection under the Endangered Species Act. Habitat loss and alteration have been the principal causes of these declines. I am also particularly alarmed over the continuing loss of our Nation's wetlands. President Bush has taken the lead in recognizing that we must act as a Nation to preserve what is left of this precious resource. If I am confirmed, this will be one of my most important tasks.

5. Question: The endangered species act responsibilities of the Fish and Wildlife Service seem enormous, given the long lists of species and the level of appropriations and manpower. Do you have any initial thoughts on how to move the program forward in a way that gives hope that we can "catch-up" with the problem?

Answer: The Fish and Wildlife Service has recognized the size of the task posed by the Endangered Species Act for some time. Over the past 10 years, the Department has made a determined effort, through its system of notices of review for candidate species, to assess comprehensively all the U.S. species believed to be at risk of extinction and to set priorities in addressing their conservation needs. The greatest opportunity for "catching up" with the problem of endangered species appears to be increased reliance on the identification and integrated management of areas that are important to more than one endangered species. This focus on maintaining the health of ecosystems, rather than individual species, is in keeping with the expressed intention of the Act and, coupled with careful threat-based priority setting, holds out the best hope of conserving the Nation's rich biodiversity.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Lieberman

6. Question: About a year ago, the endangered species office was consolidated with the ecological services division and more responsibility was placed in the regions of FWS. I have heard some reports that this total decentralization has resulted in overlapping and redundant activities by some regions in some cases and that some endangered species issues would be more efficiently operated in a centralized fashion. Are you aware of this controversy and do you have any thoughts on the matter?

Answer: It is my understanding that there is still a strong centralization of responsibility for matters involving policy development, budget formulation, oversight, and evaluation, and other activities of national scope or importance. Implementation of operational activities and accomplishment of individual tasks for which the Service receives appropriations and direction from Congress are largely the responsibility of the regions. Overlap occurs when these activities cross regional boundaries or affect two or more regions. I am advised that in these situations, regional involvement is coordinated to ensure consistency and uniformity of approach and to avoid duplication.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Lieberman

7. Question: The National Wildlife Refuge System seems beset with problems. Contaminated waters, toxic pollution, a huge maintenance backlog, and numerous other threats and conflicts have been thoroughly documented over the past several years. Are you aware of these serious problems and if so, what do you expect to do to overcome the deficiencies and move the refuge system into a true stewardship position?

If you are not aware of these problems, I would urge you to place some priority on getting briefed on the issues and possible means of actively addressing the most serious shortcomings in an effective way.

Answer: I am aware of the problems you mentioned. The issue of contaminants on refuges continues to be a serious concern. If confirmed, I plan to work towards resolution of known problems and to initiate a monitoring effort to forestall further problems. Of the 452 refuges in the system, 49 have known contaminant problems and are in a pre-cleanup phase, 20 have problems that are being cleaned up, and 89 have sites that are either suspected of having problems or have a high potential for developing problems. I am informed that the Fish and Wildlife Service is in the process of implementing a database for tracking funding for and accomplishments on all refuge sites with known or suspected contaminant problems. All potential acquisitions or real property for the refuge system are screened to determine the likelihood of contaminant problems.

In an effort to promote a coordinated and comprehensive approach to water issues within the Department, the Secretary recently established a Water Policy Council chaired by the Under Secretary. The Assistant Secretary for Fish and Wildlife and Parks is a member of this Council. If confirmed, I intend to work closely with the Assistant Secretary for Water and Science and other members of the Water Policy Council on water issues affecting our National Wildlife Refuges.

I am advised that the maintenance backlog for the refuge system totals approximately $234,000,000. Recently, in response to Congressional inquiries concerning this maintenance situation, the Fish and Wildlife Service submitted prioritized lists to Congress which detailed maintenance needs.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Lieberman

8. Question: I have heard from good sources about the low morale in the two agencies you will administer. This problem stems, at least in part, from the constant shifting of personnel, incessant reorganizations, and severe intrusion of political decision-making into the traditionally career level of the agencies. How do you plan to approach the morale and other personnel problems within the agencies?

Answer: Good employee morale is a prerequisite for effective and efficient operations. I am committed to the full and frank study of all issues before the Department and to decisions based upon the best and most reliable scientific and practical data available. I believe that protecting and enhancing the natural resources of this Nation are responsibilities requiring the combined efforts of professional managers, scientists, and politically appointed administrators. Within the National Park Service and Fish and Wildlife Service, there are many professionals dedicated to the conservation of our public lands and natural resources. My goal is to form a partnership with the agencies' talented, dedicated, career professionals. To enhance morale, I intend to have an inclusive management style, to rely heavily on the expertise of the professionals, and to consult continually with Congress.

9. Question: I have heard allegations that it has become the practice in the Department of Interior to ignore the professional recommendations of agency staff and rely too much on political appointees for developing a decision. Do you agree that there has been growing politicization of formerly "technical or scientific" decisions?

Answer: I know some people have this perception. I have great respect for the dedication, experience, and expertise of the professionals in the Park Service and Fish and Wildlife Service. I will make every effort to have my management style be inclusive, responsive, and fair. I will welcome their expertise, include them in the decision-making process, and be accessible to them.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Chafee

Question: I have persistently argued that the Endangered Species Act should apply to overseas U.S. activities. Recently, the Minnesota federal district court upheld my interpretation of the law rejecting an Interior rule which limits application of the Endangered Species Act to our territorial boundary. I have heard that the Administration may seek to appeal this ruling.

What are your views on this issue?

Would you please look into this and let me know what the Administration intends to do and why.

Answer: I am advised that because the Department of the Interior continues to believe that section 7 of the Endangered Species Act was not intended to apply outside the U.S., the Department requested the Department of Justice to appeal the district court's ruling to the 8th Circuit Court of Appeals. That appeal is pending. I have not yet had the opportunity to read the legislative history, the case law or legal briefs on this issue.

Question: I was pleased that President Bush requested funding ($206 million) for the Land and Water Conservation Fund as I believe that federal acquisition is the most effective means of preserving our conservation heritage.

Do you support increased funding for federal land acquisition?

Answer: Yes, I support the President's budget request for $206 million in each of the next five fiscal years for the acquisition of lands that include additions to the National Wildlife Refuge and National Park Systems. This is a substantial increase over the Department's prior requests. This budget request appears to represent a sustainable program of Federal land acquisition financed by annual appropriations.

I would have no objection to an increased funding amount for land acquisition provided overall funding for Interior appropriations is within the acceptable levels determined in bipartisan budget agreements and resulting Congressional budget resolutions.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Chafee

Question: During his campaign, President Bush endorsed the concept of a dedicated trust fund for land acquisition. As you know, I have sponsored the American Heritage Trust Bill which uses unappropriated Land and Water Conservation Funds to establish a dedicated trust fund for land acquisition.

What are your views on this bill?

Is the Administration going to come forward with its own proposal for establishment of a dedicated trust fund?

Would you be willing to work with me to realize this objective?

Answer: I agree with President Bush's endorsement of a dedicated endowment for the environment, which may support Federal land acquisitions as well as some associated development or management costs. Administration testimony on the American Heritage Trust legislation indicated that the spending levels provided in the proposed bill are excessive in light of the Federal deficit.

I have been informed that the Secretary has been personally examining a variety of options consistent with the President's interest in establishing an endowment for the environment. If confirmed, I will work closely with the Secretary and you on this issue.

Question: Last week, our Committee reported out S.804, a bill to preserve priority wetlands under the North American Waterfowl Management Plan.

What are your views on this legislation?

Do you believe this is the proper approach to take in seeking to implement the Plan?

Answer: I believe the North American Waterfowl Management Plan is a commendable vehicle for promoting international cooperation, partnerships with the States and the private sector, and Federal interagency coordination of wetland protection and enhancement efforts. The Department and this Administration strongly support the goal of stable funding and support the conversion of the Pittman-Robertson Fund into a trust fund with the interest being available, without appropriation, for Plan projects.

I understand that the Department raised some concerns with certain other provisions of S. 804. If I am confirmed, I intend to work with interested members of Congress and their staffs, the non-profit organizations actively involved with implementation of the Plan, and those involved within the Administration to develop a unified approach on this important issue.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Chafee

Question: Do you believe the coastal barrier resources system which denies federal financial assistance in undeveloped, unprotected coastal barriers is good policy? Have you had a chance to review the recommendations developed under Secretary Hodel, and would you care to comment on them?

Answer: I believe that the Coastal Barrier Resources System, set up to conserve our undeveloped coastal barriers is a good policy. I have not yet had an opportunity to review the Department's Report and Recommendations on the Coastal Barrier Resources System, and therefore have no comment at this time.

Question: Recently, (article attached on this issue) the DC Federal Court of Appeals rejected an Interior Department formula for assessing the appropriate dollar-amount of natural resource damages resulting in release of hazardous substances or oil. The court objected to Interior's methodology based on the "market value" for natural resources which, in most cases, would allow companies to pay a lesser measure of damage than the cost of restoration. There has been some talk of Interior appealing this decision rather than acting on the court's order to issue new regulations.

Would you discourage an appeal of this decision?

Can you suggest a methodology which would more accurately capture all aspects of loss and damage to natural resources?

Answer: I am informed the Department is currently reviewing the opinion of the D.C. Court of Appeals in State of Ohio v. United States Department of the Interior, et. al.. The decision on whether to appeal will be made after consultations among the Solicitor's office, the Assistant Secretary's office and the Department of Justice.

While I am not yet prepared to discuss the relative merits of alternative valuation methodologies, this question will be considered by the Department as it reviews the opinion and develops a position on the litigation.

I fully agree with President Bush's statement, following the Exxon-Valdez disaster, that our ultimate goal must be the restoration of the environment and its wildlife populations. I believe this goal applies to all oil spills.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Chafee

Question: Recently, much attention has been paid to the rundown condition of many of our national parks and the need for increased maintenance, staff, and resources to enhance existing facilities.

Are our wildlife refuges in similar straits?

Do you feel the needs of the National Wildlife Refuge System are as great as the needs of the National Park System?

Do you have any general comments on plans for management of our refuges?

Answer: Like the National Park Service, the Fish and Wildlife Service has implemented a Maintenance Management System (MMS) in an effort to plan, budget, implement, and document the maintenance of its buildings, facilities, and equipment. I have been informed that the Service's backlog of maintenance deficiencies exceeds $300 million.

I believe the needs of the Refuge System are as great as those of the Park System. The mission of the Fish and Wildlife Service is to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the Nation. The Service has principal responsibility and authority for migratory birds, threatened and endangered species, certain marine mammals and fish, and all lands under its control. If the Service is to effectively and efficiently accomplish its mission of stewardship for our natural heritage it will require well-maintained buildings, facilities, and equipment that is readily available and reliable. The need to properly maintain this large capital investment is critical to the Service's mission.

If confirmed, I will make increased efforts towards the President's goal for a reduction in the loss of wetlands, strive for improved habitat management with special emphasis on wetlands, and as appropriations are made available, begin to reduce the large backlog of maintenance deficiencies currently undermining Service efficiency.

Assistant Secretary for Fish and
Wildlife and Parks - Designate

Senator Chafee

Question: Lighthouses have played a special role in the maritime history of New England, and have become part of our folklore. My home state of Rhode Island has 21 magnificent lighthouses--most of which date back to the 1800s--along her coasts.

While the bulk of U.S. lighthouses are currently maintained either by the Coast Guard or private groups, I understand the National Park Service has been taking an interest in the preservation of some lighthouses on National Park lands. One such example is the relocation of the Cape Hatteras Lighthouse in North Carolina. I hope that in your new role as Assistant Secretary of Fish and Wildlife and Parks you will continue efforts to preserve lighthouses. Will you please take care and keep me abreast of your efforts in this area?

Answer: The National Park Service is interested in historic lighthouses on Park lands and elsewhere as part of its overall historic preservation program. There is a small but active program to identify resources important to America's maritime history and to encourage their preservation. During Fiscal Years 88 and 89 Congress appropriated $1 million a year for preservation of historic lighthouses. The money has been distributed for projects in several different states, including Rhode Island, under the auspices of State Historic Preservation Officers. I will be pleased to keep you informed of progress on historic lighthouse preservation.

Senator BURDICK. Mr. Turner, you are on the firing line.

STATEMENT OF JOHN F. TURNER, NOMINATED TO BE DIRECTOR, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

Mr. TURNER. Mr. Chairman and Members of the Committee, I am truly humbled and honored to appear before you today as the President's nominee to be Director of the U.S. Fish and Wildlife Service.

I would like to take this opportunity to thank members of the committee and their staff, many of whom were able to take time to visit with me on a personal basis prior to this afternoon's hearing. I appreciate those courtesies.

Mr. Chairman, I would like to express a hearty thanks to my long-time associates from Wyoming, Malcolm Wallop, Alan Simpson, and Craig Thomas, for appearing here and introducing me to this committee. I am moved by that friendship.

Mr. Chairman, to enable members of the committee to review some of my background, attached to the statement, you will find a short biographical sketch. You will note that I have had the opportunity to involve a considerable portion of my life with wildlife, the outdoors, and public resource issues.

Because of this interest and years of involvement, I am excited by the opportunity to serve the American people, President Bush, and the irreplaceable wildlife resources of this Nation.

Seldom in our Nation's history have we had a President who is so personally involved with the great wildlife and outdoor values of this country. As do I, President Bush truly loves America's hunting, fishing, scenic, recreational, and other wild resources. Like the President, I am committed to the conservation, enhancement, and wise use of these wonderful assets. If confirmed, I will assist him, Secretary Lujan, the Congress, and people across our land in responsibly caring for these precious and irreplaceable resources.

I am especially eager to have the opportunity to work with the dedicated and professional staff of the Fish and Wildlife Service in some of the following areas—and in response to Senator Symms because I know he has to leave—Senator, I am excited by your question on aquaculture.

I think it does have a lot of potential for our farmers and ranchers. As a legislator from Wyoming and as current chairman of the Senate Committee on Business and Economic Development, we are working on some aquaculture projects to try to catch up with Idaho. So I know the value that this can have to our farmers and ranchers and I am sure that the Fish and Wildlife Service can work in cooperation with those producers that are interested in those activities. I would think that there would be at least a reason to monitor such things as new genetic strains which could endanger native species and the introduction of disease and I would think that wildlife interests would still have an interest there.

We have a local fish hatchery in Jackson Hole that had a disease introduced last year and we lost 800,000 fish. It will take about three years to re-establish that hatchery so I know it is something the commercial growers are interested in. We want to work with them on those particular problems.

The Endangered Species Act as it relates to grizzlies and wolves—I can only say that, that is my back yard and I have had the pleasure of riding or walking most of the country out there with your constituents and mine, and I can tell you that I am committed to listening to the interests of the West, which I think are real, and approaching the management of the grizzly and their possible reintroduction to the West in a common sense approach.

Mr. Chairman, in other areas of working with the Service, I would like to ensure that the biological work that we conduct is as competent and responsible as possible; to fully support the work of responsible professionals within the agency; to encourage partnerships, whenever and wherever possible, with the States, local governments, and the private sector to enhance and protect wildlife and wildlife habitat; to work to see that the Service faithfully complies with the laws of this country, and to address problems and advance new initiatives in cooperation with the Congress; to use, whenever feasible, a cooperative team force approach with other Federal agencies when addressing items of mutual concern; to improve and strengthen alliances with the Nation's private land owners who provide much of the critical habitat for our wildlife; to ensure adequate emphasis is placed on the conservation and enhancement of non-game and non-consumptive wildlife values for all Americans; to enhance the Service's interpretive and educational opportunities to create better public awareness and appreciation of wildlife and wildlife needs; and to ensure that the U.S. Fish and Wildlife Service continues as a high quality and responsible service agency for all Americans.

Our Nation's wildlife are important to all Americans. The well-being of these resources are vital barometers of the health of our overall environment, and an important test of the real wealth of the American society.

I strongly believe that wild critters and wild places are valuable reflections of America's character and heritage. To Americans, wildlife symbolizes diversity and discovery, competition and individual uniqueness, challenge and resiliency, rejuvenation and freedom.

So, Mr. Chairman, along with President Bush, Secretary Lujan, Assistant Secretary Designate Connie Harriman and the very dedicated professional staff of the Service, I pledge to do my best to be a good steward of the precious wildlife resources placed in our trust. It is my sincere intent that the wildlife legacy of this administration be a proud one.

Thank you Mr. Chairman.

Senator BURDICK. Mr. Turner, do you know of any matters which you may not have already disclosed which might place you in any conflict of interest if you are confirmed in this position?

Mr. TURNER. No, Mr. Chairman, I do not.

Senator BURDICK. Are you prepared at the request of any duly constituted committee of Congress to appear before it as a witness?

Mr. TURNER. Yes, Mr. Chairman.

Senator BURDICK. What specifically do you think the Fish and Wildlife Service could do to help farmers protect wildlife habitat?

Mr. TURNER. Mr. Chairman, I am a rancher and I have grown up in the stock and crop business. It is my belief that the landowners

in this country will continue to make a major contribution in wildlife habitat and wildlife conservation.

In Wyoming, I think we have shown that a balance can be reached. I think Wyoming is privileged to have perhaps the richest wildlife complex of any State in the lower 48 States, both in numbers and in diversity of species. We have instituted several programs that I think show that a partnership can be reached with our landowners. I am committed to work toward those goals.

Senator BURDICK. In the Great Plains area where we use a lot of fertilizer, there may be a problem some day between wildlife and the fertilization of the grain. That may be a problem that you and I will have to face. Have you got any ideas right now on the subject?

Mr. TURNER. No, Mr. Chairman. I know that the Service is currently conducting assessments of refuges in water quality and water quantity. Some of those contamination studies are in, and quite frankly, we do have problems in some of our wildlife areas and some of those causes are non-point pollution sources from agriculture.

I think that we all need to work together with agriculture to address those. I think the farmers and ranchers of this country have been good stewards of wildlife and wish to perpetuate that.

Senator BURDICK. That is a good answer.

Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman.

Mr. Turner, the duck population of the U.S. has gone from 125 million down to about 62 million, cut in half. Do you think we can not only arrest that, but reverse it, or is this just an inevitable decline that we have to accept as part of the so-called increasing civilization of the United States?

Mr. TURNER. Senator, I share your concern about the declining waterfowl populations. They are probably the lowest they have ever been in our Nation's history. I think there are multiple fronts that we have to address that on.

I know you have been a leader in that area. I am excited about the potential in the North American Waterfowl Management Plan. I think that should be the flagship of our efforts, a combination with the private sector. But I think that the decline in waterfowl are perhaps a reflection or barometer of how we have taken care of some of our wildlife communities and our general environment. It is certainly a high priority of mine.

Senator CHAFEE. Do you agree with me that 99 percent of it is environment, habitat?

Mr. TURNER. I do not know what percentage you would put on it, Senator, but certainly habitat and available water has got to be the key. I honestly think that predators are important in the prairie pothole region especially. And even though I am a long-time hunter, we need to keep a handle on the harvest for some of these species that are at least at lower populations.

Senator CHAFEE. Thank you.

Mr. Chairman, I have an appointment and must leave. What is your intention with these nominees as to the schedule you foresee?

Senator BURDICK. We will take up their nominations Thursday morning.

Senator CHAFEE. I just want to say that I am delighted that we have these nominees before us, and I want to thank both of you very much. I apologize that I have to leave now.

Thank you, Mr. Chairman.

Senator BURDICK. Senator Breaux.

Senator BREAUX. Thank you, Mr. Chairman.

Thank you, Mr. Turner, for coming before the committee. We have not had a chance to meet, but I would like to meet with you in the future sometime.

Let me ask you a couple of the same questions that I asked Connie Harriman with regard to your feelings to some of these issues that you will be asked to make decisions on.

What are your thoughts about hunting on wildlife refuges?

Mr. TURNER. Senator, as I said, I am a long-time hunter and I feel that the consumptive uses of wildlife are important to the Nation. They have certainly been important because those are the users that have contributed to the protection of the resource, as they are with the Wallop-Breaux Funds on the fishing side.

I certainly think that hunting is a compatible use on our refuges. There will be times with certain species and seasons that we will have to keep a handle on, but I think hunting is a traditional and worthwhile use on our refuges.

Senator BREAUX. What about oil and gas development on wildlife refuges?

Mr. TURNER. I would concur with Ms. Harriman—that will have to be on a case by case basis. My current Senatorial District is as large as some States and hosts a multitude of wildlife with some of the greatest wildlife resources left in America. We also have abundant oil and gas development. So I think that in some areas there can certainly be a balance. In other areas, the conflicts will be incompatible, and this agency will have to stand up on behalf of the wildlife.

Senator BREAUX. What are your thoughts on the Arctic National Wildlife Refuge? There are a number of proposals, of course, to change the status of the refuge to make it into a wilderness area. What are your thoughts about that?

Mr. TURNER. Senator, I look forward to learning a lot more about Alaska, coming from Moose, Wyoming and going to the ANWR area. But I just can not believe that at a time when there are signals that are depressing to me that domestic production is down, use of oil and gas resources are up, and tanker use is up, that we will not have a common sense approach to oil and gas exploration and development. I just think that is a marvelously fragile area with wonderful wildlife resources, but it is a large area and I can not believe that we can not approach it in a right way to protect those marvelous resources and also plan properly the exploration and production in that area. If we can not do it right, then perhaps we should not be there, but I am committed and my past experience is that you can have oil and gas production and also protect wildlife resources.

Senator BREAUX. I take it that is an indication that you would not support changing the status of it into a wilderness area?

Mr. TURNER. Until I see the boundaries and what areas are included and which are not—it is a large refuge as I understand it,

and there may be appropriate areas for wilderness and appropriate areas for some commodity exploration and development. I have not seen any specific proposals.

Senator BREAUX. What about the Endangered Species Act, which is under the jurisdiction of the Department, with regard to the conflicts between a species once it is listed and economics? In your opinion, how would you go about trying to settle these disputes when there is an economic conflict with the habitat of a particular listed species?

Mr. TURNER. With a considerable amount of difficulty and soul searching. I say that honestly. But this agency, as required by law, will hopefully do good, sound biological work on proposed listings and decide whether or not to list according to the best available biological information.

It is my belief—well, I come from a State that has been on its knees economically. It is depressed. Young people are leaving the State because they do not have jobs. And I think that when we come into mitigation and recovery plans and working with States and State Wildlife Agencies, that we will be sensitive to local concerns, be they economic or political. I think that in the real world we will have to listen to them.

Senator BREAUX. The final question is on the Wallop-Breaux Program, the same question I asked Ms. Harriman, with regard to the efforts by some to take the current fees that are raised from the tax on fishing gear, rods, reels, et cetera, and to have it become part of the appropriation process as opposed to having it as it currently is set up in a trust fund. What are your thoughts on that?

Mr. TURNER. Senator, since we have not had a chance to meet personally, let me first take this opportunity as an addicted fisherman and a State Legislator, to thank you along with Senator Wallop for what has been one of the finest programs to enhance and restore fisheries and water related activities that this country has seen, certainly in this century. I am very proud of the Wallop-Breaux funds.

Because those are paid by users and the fisherman of this country, let me just say that I think those funds ought to go back to benefit the user.

Senator BREAUX [assuming the chair]. I appreciate your comments. There may be a time when the fund has reached such an amount that we could consider additional fishery related uses for the funds. There may be some other areas within that same set of criteria that we can use those funds for and which are not now approved. It may some day be appropriate for us to consider that, but I agree and am pleased that both of you indicate that you agree with the concept that a user fee should be used for the purpose that we sell it to the American public for.

They are perfectly willing to pay the tax if they know it is going to be used for a specific purpose. They would object, I would think, if they found out that their tax on rods and reels, that they willingly supported, would be used for the National Defense or for education or for any other worthy notable program instead of what it was sold to them for. Perhaps we need a user fee in some of these other areas. I am pleased to hear both of you express that.

On behalf of the Chairman let me say that we will take up both of these nominations in our Thursday morning meeting. Our hearing record will remain open until 5:00 o'clock p.m. on Wednesday. If members have any written questions that they would like to submit to the nominees, we ask that they promptly submit the questions to the committee staff by close of business today so we can get responses from our nominees.

With that, we thank both of you for being with us today. This will conclude this session of the committee.

[Whereupon, at 3:21 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Mr. Turner's written statement, responses to a committee questionnaire and additional questions, and statements submitted for the record follow:]

JOHN F. TURNER

DIRECTOR DESIGNATE

U. S. FISH & WILDLIFE SERVICE

SENATE CONFIRMATION HEARINGS

July 24, 1989

Mr. Chairman and members of the Committee, I am humbled and honored to appear before you today as President Bush's nominee to be Director of the U. S. Fish and Wildlife Service. I would like to take this opportunity to thank those of you who, along with members of your staff, were able to take time to visit with me prior to this afternoon's hearing.

It is with considerable pleasure that I introduce to you, my best friend, roommate of two decades, and wife - Mary Kay who is seated behind me. To enable members to review some of my background, you will find attached to this statement a biographical sketch. You will note that I have had the opportunity to involve a considerable portion of my life with wildlife and other public resource issues.

Mr. Chairman, I am excited by the opportunity to serve the American people, President Bush, and the irreplaceable wildlife resources of this nation.

Seldom in our nation's history have we had a President who is so personally involved with the great wildlife and outdoor values of this country. As do I, President Bush truly loves America's hunting, fishing, scenic, recreational, and other wild resources. Like the President, I am committed

to the conservation, enhancement, and wise use of these wonderful assets. If confirmed, I will assist him, Secretary Lujan, the Congress, and people across our land in successfully caring for these precious and irreplaceable resources.

I am especially eager to have the opportunity to work with the dedicated and professional staff of the Fish & Wildlife Service:

* To insure that the biological work we conduct is as competent and responsible as possible;

* To support fully the work of responsible professionals within the agency;

* To encourage partnerships, whenever and wherever possible, with the states, local governments, and the private sector to enhance and protect wildlife and wildlife habitat;

* To faithfully comply with the laws of this country, and to address problems and advance new initiatives in cooperation and in dialogue with the Congress;

* To use, whenever feasible, a cooperative team force approach with other federal agencies when addressing items of mutual concern;

* To improve and strengthen alliances with the nation's private land owners who provide much of the critical habitat for wildlife;

* To insure emphasis is placed on the conservation and enhancement of nongame and nonconsumptive wildlife values for all Americans;

* To enhance the Service's interpretive and educational opportunities to create better public awareness and appreciation of wildlife and wildlife needs; and

* To insure that the U. S. Fish & Wildlife Service continues as a high quality and responsible SERVICE agency for all Americans.

Our nation's wildlife are important to all Americans. The well being of these resources are vital barometers of the health of our overall environment, and an important test of the real wealth of our society.

Wild critters and wild places are valuable reflections of America's character. To Americans, wildlife symbolize diversity and discovery, competition and individual uniqueness, challenge and resiliency, rejuvenation and freedom.

Along with President Bush, Secretary Lujan, Assistant Secretary Designate Harriman and the very dedicated professional staff of the Service, I pledge to do my best to be good a steward of the precious wildlife resources placed in our trust. It is my sincere intent that the wildlife legacy of this administration be a proud one.

Thank you for your consideration.

BIOGRAPHICAL SKETCH

JOHN F. TURNER
DIRECTOR-DESIGNATE

U. S. FISH & WILDLIFE SERVICE

Born in Jackson Hole, Mr. Turner is a lifelong resident of Wyoming. With his family, he operates the Triangle X Ranch in Moose, Wyoming. The family business includes a dude ranch, a wilderness outfitting operation of summer pack trips and fall big game hunting, scenic river float trips, cross-country skiing, snowmobiling, and the raising of livestock and hay crops. He is also the Chairman of the Board of Directors of the Bank of Jackson Hole.

First elected in 1970, Mr. Turner has served in the Wyoming Legislature for almost two decades. (4 years, House of Representatives; 15 years in State Senate.) Currently, he chairs the Senate Committee on Minerals, Business, and Economic Development. He served as Senate President in 1987 and 1988 having previously been Caucus Chairman, Majority Floor Leader and Vice-President of the Wyoming Senate.

Other Senate Committes of which he has been chairman include Travel, Recreation and Wildlife Committee, Education, Health & Welfare Committee, Legislative Management Audit Committee, and Rules Committee. He has served as a member on other committees dealing with agriculture, water, public lands, judiciary, revenue, elections, political subdivisions, labor, federal relations, school finance, and government re-organization.

Involvements by Mr. Turner in federal affairs include being appointed to the National Park System Advisory Board where he chaired the Wildlife Subcommittee. Recently, he has been a member of the National Wetlands Policy Forum. Previously, he had served on the Secretary's Pride in America Advisory Task Force, State BLM Advisory Board and SBA State Advisory Board, and the Hovenweep Task Force for the Director of the National Park Service.

Mr. Turner has a B.A. degree in Biology from the University of Notre Dame and a M.S. degree in Zoology from the University of Michigan. He did early research on the Osprey and Bald Eagle in the Grand Teton/Yellowstone region and in the Intermountain States. Random House published his book on Bald Eagles in 1971. Wildlife related legislation he has worked on in the state include recodification of state game and fish laws, minimum stream flows, wildlife trust fund, penalties, license fees, designations, and fisheries. At this year's session, he sponsored a bill authorizing a new national wetlands area in Wyoming.

John, and his wife, Mary Kay, have three children - John, Kathy and Mark.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: TURNER (Last) JOHN (First) F. (Middle)

Position to which nominated: Director, U.S. Fish and Wildlife Service

Date of Nomination: _____

Date of birth: 3/3/42 (Day) (Month) (Year) Place of birth: Jackson, WY

Marital status: Married Full name of spouse: Mary Kay Turner

Name and ages of children:

John F. (Tote)	19
Kathy	17
Mark	14

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Univ. of Notre Dame	9/60 - 5/64	B.A.	5/64
Univ. of Utah	9/65 - 6/66	-	-
Univ. of Michigan	9/67 - 5/70	M.S.	5/70

Employment record: List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Triangle X Ranch, 1964 - Present. Self-employed. Partner and manager in family business which includes working guest ranch, wilderness pack trips, scenic river float trips, guided fishing, big game hunting, and cross country skiing and snowmobiling.

Employment record—Continued

State of Wyoming, 1970 - Present. 4 years, Wyoming House of Representatives '70 - '74; 15 years, Wyoming State Senate, 213 State Capitol, Cheyenne, WY; Represented Sublette and Teton Counties and ½ of Yellowstone National Park; Past President 1/87 - 1/89, Senate Majority Floor Leader '85 - '87; Vice President '83 - '85. Chairman Senate Travel, Recreation & Wildlife Committee '77 - '81; Chairman, Education Committee '81 - '83, Chairman Senate Rules Committee '87 - '89; Chairman, Legis. Mgt. Audit Committee '87 - '89; Chairman, Senate Minerals, Econ. Develop. and Business '89

Bank of Jackson Hole, Jackson, Wy; Chairman of Board of Directors '87 - Present; Member of Board '86 - Present; General Mgt. Policy & Oversight of bank, review of commercial loans, investment and marketing

Honors and awards: List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

"Friend of the Trout" - Highest award by Jackson Hole Trout Unlimited '88.
Atlantic Exchange - Selected for business exchange program to Netherlands '87
"Conservation Legislator of Year" - '87 Wyoming Outdoor Council, '80 Wyoming Wildlife Federation
"Teton Co. - Citizen of Year" Award, Jackson Hole Chamber of Commerce '85
Pride in America National Award '86
"Special Achievement Award", National Wildlife Federation
"Sportsman of Year" - Highest award - Jackson Hole Ducts Unlimited '82
"Outstanding Contribution to Wildlife" Award - Wyoming Chapter of Wildlife Society '81
"One of Wyoming's Most Executive Senators" - Wyoming Press rating '81 & '83

Memberships: List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
National Wetlands Policy Forum	Member	'87 - '88
National Park System Advisory Board	Member	'83 - '87 Vice Chmn '87
Wildlife Subcommittee - NPS Advisory Board	- Chairman	'85 - '86
Atlantic Exchange	Member, Advisory Board	'87 - '89
Governor's Prayer Breakfast	Comm. Founding Member	'87 - '89
Schweiring Scholarship Comm	Chairman	'88 - '89
Teton Science School	Ex Offic Board Member	'80 - '89
Murie Collection Comm.	Chairman	'86 - '88
Priority & Review Comm. - Univ. of WY	- Member	'86 - '89
Pride-in-Jackson Hole	Co-Chairman	'85
Wyoming Waterfowl Trust	Advisory Board Member	'87 - '88

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

B.A. in Biology - University of Notre Dame '64; M.S. in Wildlife Ecology, University of Michigan '70; Partial fulfillment of Ph.D. - University of Michigan; Pioneered some of early Bald Eagle and Osprey research in Grand Teton/Yellowstone region; conducted first Bald Eagle population review in 8 intermountain states 1960's; Member of Legislative Travel Recreation; and Wildlife Committees, House '71 - '73, Senate '77 - '83 - Chairman '81 - '83 Chaired Wildlife Subcommittee of National Parks System Advisory Board '85 - '86, National Wetlands Policy Forum '87 - '88; Continuous involvement in wildlife related issues because of background and because state senatorial district hosts one of richest wildlife complexes remaining in America; Currently chair Senate Committee which handles all environmental legislatio for State. Publications about Bald Eagles, Ospreys and Grizzlies. Involvement with state issues include recodification of state game and fish laws, enforcement, minimum flows, wildlife trust fund; and establishment of new wetlands refuge.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Will no longer participate in management or receive any compensation from family business. Will resign from State legislative and Board of Directors, Bank of Jackson Hole

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

Likely will return to family business

3. Has anybody made a commitment to you for a job after you leave government?

None

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

None

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

None

Financial Statement:

1. Attach a copy of your Executive Personnel Financial Disclosure Report (SF 278).

2. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF 278, Schedule A.

None

3. Are any assets pledged? (Add schedule).

None

4. Are you currently a party to any legal action?

None

5. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

None

6. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

None

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

1/6 ownership in family ranch and outfitting business - permits with National Forest Service and National Park Service - Triangle X Ranch

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

During my service, I will not partake in any manner in management of family business. Will not participate in any Department of the Interior issues which could, in any manner, impact our family business

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

In the event that I am confronted by a situation that may result in, or create the appearance of a conflict of interest, I shall report the situation to and seek the advice of the Department of the Interior's Designated Agency Ethics Official.

Political affiliation and activities: List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

1. WYO Legislators for Bush- '88 Primary 2. State CO- Chairman-Republican Governor's Race '82 3. Actively involved in all election efforts in WY for US Senators and US Congressmen '76-'88 4. Senate Republican Caucus-Chairman '85-87 5. Republican Presinct Committeeman '88-'89
6. Senate Republican Conference- Founding Member '88-'89

Published writings: List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.) Task Force report on coordinated strategy for protection Hovenweep Report-of Anasazi Indian Resources.

"The Magnificent Bald Eagle, America's National Bird" Random House

Passages Magazine

"Can There Be Freedom for America's Eagles?" May 1974

"Seasons in High Country" Slide show on wildlife in Wyoming '70-present

"Eagles Today" WYO Wildlife 6/74

"Eagles, Vanishing Americas" Sierra Club Bulletin, Oct/Nov '71

"Great Bear in our Parks" '85 Report to Sec't of Interior

"Report from Republic of China" Ecoc. Report to State of WY including discussion of their new national parks

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

January/February 1989. Sponsored bill to create new 27,000 acre wetlands and waterfowl refuge in Southwest Wyoming.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

None that I know of.

AFFIDAVIT

_____) ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

John F. Turner

Subscribed and sworn before me this _____ day of _____, 19 .

_____
Notary Public

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

JUL 26 1989

Honorable Quentin N. Burdick
Chairman, Committee on Environment
and Public Works
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed you will find my responses to the questions for the record following my confirmation hearing before the Senate Environment and Public Works Committee on July 24.

If I can be of further assistance to you, please let me know. I look forward to working with your Committee in the future.

Sincerely,

John F. Turner
Director-Designate, U.S. Fish
and Wildlife Service

Enclosures

cc: Honorable John H. Chafee, Ranking Minority Member
Committee on Environment and Public Works
United States Senate

Fish and Wildlife Service
Director-Designate

Senator Reid

1. Question: What are your personal goals and visions for the Fish and Wildlife Service?

Answer: The Fish and Wildlife Service has a proud tradition of serving the Nation as protector of our remarkable wildlife. I believe the environmental challenges facing this Nation and the world in the remaining decade of this century are significant. The Fish and Wildlife Service will be leading stewards in conserving and enhancing the precious wildlife resources placed in its trust. If confirmed, I will do all in my power to ensure that the Service possesses the intellect, resources, dedication and the integrity and management capability to make the sound biological decisions and management commitments I believe the future requires.

2. Question: What needs to be done most for American conservation and what role will the Fish and Wildlife Service play in this?

Answer: Two of the most important conservation challenges facing America are the continued loss of our precious wetlands and the increasing invasion of our air, earth, and water by toxic contaminants. The Service must play a major role if we as a Nation are to have any hope of reversing these negative trends.

On wetlands, I envision the Service as a front line unit in the Federal Government's all-out effort to carry out President Bush's pledge of "no net loss of wetlands."

As for contaminants, all thinking Americans know we must stop fouling our nest if we are to continue to prosper as a Nation. Through its pioneering work in restoring habitats for wildlife species -- for example, as it is attempting to do for the striped bass of the Chesapeake Bay -- the Service can be a key force in reducing the corrosive impact of pollutants.

The Service undertakes many other important roles in its mission as steward for wildlife resources. A few of these include: managing a diverse and extensive refuge and hatchery system; sustaining research and educational centers; entering into agreements with other countries; reviewing permits; assisting States, law enforcement and conserving vital fisheries and endangered or threatened species. The Service is well-equipped through training, knowledge, skill, and dedication to provide national leadership in meeting these important conservation challenges. I look forward to working with my Service colleagues to design successful strategies to advance that mission.

Fish and Wildlife Service
Director - Designate

Senator Reid

3. Question: The President has pledged no net loss of wetlands. What specifically will you do to make this policy come alive?

Answer: Through its system of National Wildlife Refuges, fish and wildlife research, and technical assistance to other Federal agencies concerning water projects and permits, the Fish and Wildlife Service has a long history of wetlands protection and enhancement. In order to make the President's pledge a reality, if confirmed I plan to continue to champion wetland protection, restoration, and enhancement for fish and wildlife resources. Specifically, I plan to encourage the continuing effectiveness of existing programs by fully supporting the continuing progress of the National Wetlands Inventory, implementation of the Food Security Act, restoration and habitat management on refuges, review of Federal activities, and the implementation of the North American Waterfowl Management Plan. I will strive to increase the effectiveness of these programs and to encourage other Federal, state, local and private agencies to cooperate in addressing the President's commitment to no net loss of wetlands. Further, I will also work to forge new partnerships and allicances with the Nation's landowners to encourage the retention of precious wetland resources.

Question 4: How will you manage waterfowl populations to restore stressed and reduced populations?

Answer: If confirmed, I will focus my efforts in several directions, including harvest management and habitat recovery. I am told that, in 1985, the duck harvest was reduced about 25 percent from the preceding year. This reduced level of harvest was continued in subsequent years until 1988 when the duck harvest declined by another 50 percent. These harvest reductions are believed to have slowed the rate of the population declines which could have been expected during drought years. Emphasis will be placed on short and long-term habitat recovery programs on and off Service lands. The North American Waterfowl Management Plan has provided the initial vehicle for habitat recovery by the year 2000 and the Administration strongly supports the Plan. I also have personal knowledge that predators take a heavy toll on waterfowl populations, and will explore methods to address this signigicant threat if confirmed.

Fish and Wildlife Service
Director - Designate

Senator Reid

5. Question: How do you see the Fish and Wildlife Service working with the U.S. Department of Agriculture, particularly using legal authorities, to conserve wetlands and other habitats in agriculture commodity programs?

Answer: The Service has demonstrated the success of wetland restoration on a national scale through Farm Bill programs that restored nearly 16,000 acres on private land in 1988. The Service's long record of restoration and management of wetlands and wildlife habitat in the National Wildlife Refuge System has allowed for development of an unparalleled expertise in wildlife resource management and conservation.

Over seventy-five percent of the remaining wetland resources and associated wildlife habitat are found on private lands. The Department of Agriculture has been given the tremendous task of counseling private landowners in the stewardship of this tremendous natural resource through the conservation provision of the Food Security Act. The Service has provided technical advice and assistance on conservation issues to the Department of Agriculture in the past.

I plan to continue to assist the Department of Agriculture in identifying and delineating wetlands and wildlife habitats in order to provide opportunities to preserve, enhance, and restore wetlands and other wildlife habitat on private lands. In a cooperative dialogue with farm and ranch groups across America, if confirmed I will look for new initiatives and opportunities to develop positive programs to conserve wetlands on private lands.

Fish and Wildlife Service
Director - Designate

Senator Reid

6. Question: What will the Fish and Wildlife Service do in response to the Exxon Valdez oil spill?

Answer: I am advised that, to date, Fish and Wildlife Service activities in response to the Exxon Valdez oil spill include efforts in support of the U.S. Coast Guard Federal On-Scene Coordinator and Regional Response Team as well as efforts to deal with trustee resources. Service trust resources being impacted to date include: sea otters, raptors and other migratory birds, and certain coastal lands of the Alaska Maritime, Alaska Peninsula, Becharof, and Kodiak National Wildlife refuges.

At present, wildlife rescue and rehabilitation efforts are coordinated by four Service on-site Field Offices (Valdez, Seward, Homer, Kodiak), each supervising Service-contracted and/or Exxon-contracted vessels and aircraft involved in wildlife rescue efforts. Service Field operations oversee oiled sea otter and migratory bird rehabilitation, and considerable time and effort is directed toward otter release activities. In addition, these Field Offices are involved in various shoreline cleanup and rehabilitation issues (e.g. monitoring shoreline cleanup activities, conducting shoreline surveys for prioritizing beaches for cleanup). Service activities conducted by National Wildlife Refuge and Research staff include surveys of potential and actual effects of the oil spill on migratory birds and sea otters and their habitats. The Service has organized two Eagle Rescue teams whose function is to capture oiled and distressed bald eagles for rehabilitation at an Anchorage-based Bald Eagle Rehabilitation Center.

I support Fish and Wildlife Service plans to continue these oil spill response activities in cooperation with the U.S. Coast Guard, the National Oceanic and Atmospheric Administration and State of Alaska authorities, as well as continuing the efforts with the other agency Trustees on the natural resource damage assessment process.

Fish and Wildlife Service
Director - Designate

Senator Reid

7. Question: What will be your policies regarding endangered species management: (i.e. addressing the listing backlog, preventing the need to list species, and commitment to finance and accomplish recovery of listed species).

Answer: My policies regarding management of the endangered species program will emphasize two priorities. First, if confirmed I will make the most effective use of the resources appropriated for listing, recovery, consultation, law enforcement, land acquisition, and research and development. These resources will be used to identify and implement actions necessary to prevent the extinction and promote the recovery of species in the greatest peril. Second, I will continue to encourage active partnerships with other Federal agencies, State agencies, private organizations and landowners. These partnerships will broaden the resource base available to engage in recovery actions and to undertake other actions to reduce the likelihood of species becoming threatened or endangered.

Fish and Wildlife Service
Director - Designate

Senator Lieberman

1. Question: I have had many people tell me that the agency you may soon direct is in trouble. Morale is low, personnel are uncertain about their jobs and their future, the career ladders have been dismantled, and political decisions are a norm rather than sound biological assessments.

a) Have you heard that or similar appraisals?
b) If not, what is your initial reaction?
c) If you have heard such reports, what do you plan to do to overcome the problems?

Answer: I am aware of allegations regarding inappropriate political meddling and poor staff morale in the Service. It is not my intent to judge or comment on past practices or prior conditions.

The Fish and Wildlife Service is the finest wildlife management agency in the world. It has a proud tradition of professional excellence in protecting and enhancing the irreplaceable wildlife and fishery resources in its trust. Working with the dedicated and professional staff of the agency, we plan to build on this legacy and look to the future.

My plan is to conduct sound biological work; to responsibly manage the resources within our jurisdiction; to work as partners with state and local governments, the private sector and interest groups; to fully comply with the laws established by Congress; and to initiate responsible solutions and programs to address the critical problems and exciting opportunities before us.

Fish and Wildlife Service
Director-Designate

Senator Lieberman

2. Question: What do you presently see as the top five issues that FWS must address effectively in the near future?

Answer: Five issues I think will certainly merit the Service's attention through the end of this century are: the continued loss of wetlands and the associated severe decline in waterfowl populations; the growing problem of environmental contaminants; the need to restore key fish populations, such as the striped bass; administration of the Endangered Species Act; and management of the Nation's 90-million acre National Wildlife Refuge System, 75 National Fish Hatcheries, and 13 national research centers.

I recognize the above issues as critically important. However, I am not comfortable in prioritizing such critical issues. These areas are all important to President Bush, Secretary Lujan, the Fish and Wildlife Service and to the American people and the Administration intends to address them vigorously and responsibly.

3. Question: The Arctic National Wildlife Refuge issue is obviously an important matter to many of us. The report prepared by the FWS for the Congress has been criticized by environmental organizations, scientists, and others. Do you intend to take hold of this issue and look into the adequacy of that report or recommend that specific gaps or biases be corrected, if found?

Answer: I agree with the Department that the information contained in the "1002 Report" submitted to Congress in 1987 concerning energy development on the Arctic National Wildlife Refuge is adequate to allow Congress to make a well-informed decision on the future management of this area.

I am advised that the Department is improving and regularly updating the data base upon which management decisions will be implemented once Congress makes its determination. It is recognized that a variety of regulatory and planning processes would be initiated immediately should Congress pass legislation allowing future oil and gas activity in the area. Therefore, the Fish and Wildlife Service has continued to pursue a biological study program for the area. These studies will translate into overall improved management for the entire refuge.

Fish and Wildlife Service
Director - Designate

Senator Lieberman

4. Question: Are you aware of the bill requiring reintroduction of wolves to Yellowstone that is pending in Congress? What is your reaction to that bill?

Answer: I am aware of the recently-introduced bill by Congressman Owens calling for an environmental impact statement and the implementation of a wolf reintroduction program for the greater Yellowstone area. I believe the bill is premature and inappropriate at this time. As you are aware, Congress has already appropriated funds for studies relating to wolf reintroduction, and these are currently underway in cooperation with involved States and other Federal agencies. This research addresses key areas of concern. Results of these investigations will be valuable to us all as we work to address this controversial issue. In cooperation with the National Park Service, the U.S. Forest Service, the involved States, and concerned groups, it is my goal that the Fish and Wildlife Service be a key player in resolving this important resource issue.

Question 5: The FWS has a major role to play in assessing damages in oil spills, and other such disasters. However, we have seen and heard very little from the FWS on any of the recent oil spills. Would you look into this matter and take appropriate actions to get the FWS to take their tasks more seriously in the future?

Answer: I agree that the Service has a major role in assessing damages to natural resources caused by oil spills. In fact, I am told that the Service has taken a leadership role in the ongoing damage assessment in Alaska. Since the time of the Valdez spill, FWS staff have been in Prince William Sound and involved in wildlife rescue, rehabilitation, shoreline monitoring, and damage assessment efforts. The Service is also supporting the States of Rhode Island and Delaware in the damage assessment planning for the recent spills in Narragansett Bay and the Delaware River.

The American citizens expect nothing less and I assure you that the Secretary of the Interior and I take seriously the responsibility of seeking compensation for any damages to fish and wildlife resources and the restoration of the affected environments under the trusteeship of the Department of the Interior.

Fish and Wildlife Service
Director - Designate

Senator Chafee

Question: I was pleased to see President Bush take the lead in banning the importation of elephant ivory from all nations. Recently, the U.S. sent a delegation to Botswana to meet with African and other nations and conservation groups to discuss an international strategy to protect the threatened populations of African elephants.

--What were the results of the Botswana meeting?
--What strategy can the U.S. employ or facilitate if African nations will not support a prohibition on trade?

Answer: I am advised that the second African Elephant Working Group Meeting did not resolve the key issue before it--whether commercial international trade in ivory should be banned. In general, west and east African nations support a ban on trade while some central and most southern African nations support continued trade. However, all agreed to try to resolve the issue prior to the October Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) meeting in Switzerland. I understand that the United States held firm to its view that the African elephant should be listed on Appendix I. Efforts to develop a proposal among African nations will continue until September 1989.

I am also advised that many African nations will probably support a prohibition on commercial trade. Some major ivory importing countries may take a reservation, thereby providing a legal market for ivory exports from African countries that also take reservations. It is my understanding that a joint effort by the United States and other producer and consumer countries will be made before the October meeting to reduce the taking of reservations by any of the key importing and exporting countries to an Appendix I listing. I do not know if any countries will take a reservation until 90 days after the close of the October meeting.

Fish and Wildlife Service
Director - Designate

Senator Chafee

Question: The Fish and Wildlife Coordination Act requires that Federal agencies consult with the Fish and Wildlife Service on activities affecting wetlands and water resources for the purpose of "preventing loss of and damage to wildlife resources."

-- What priority would you place on this role of the Service?
-- How does this fit into the "no net loss" goal?

Answer: The Coordination Act continues to be the backbone of the Service's role in protecting fish and wildlife resources on lands not owned or managed by the Service. I believe the Service has an impressive record of accomplishment in such areas as the section 404 program, federal civil works program, and in hydropower licensing activities. If confirmed as Director, I will see that the Service continues these important activities and works to improve the cooperation and efficiency of these processes involving other agencies.

There is no doubt that the Service will play an important role in assisting in the President's "no net loss" goal through its Coordination Act activities. To this end, if confirmed I will seek to enhance our role under the Coordination Act by encouraging careful consideration by other agencies of recommendations that the Service provides to prevent loss of or damage to fish and wildlife.

Fish and Wildlife Service
Director-Designate

Senator Chafee

Question: Last week our Committee reported out S. 804, a bill to preserve priority wetlands under the North American Waterfowl Management Plan.

--What are your views on this legislation?
--Do you believe this is the proper approach to take in seeking to implement the Plan?

Answer: The President and Secretary Lujan strongly support the basic overall goals of the legislation. I am committed to those same goals. The North American Waterfowl Management Plan is an exciting public and private initiative to protect waterfowl populations and critical wetland habitat. A guaranteed source of funding is essential to the long-range planning that is the key to implementation of the North American Plan. The Administration is on record supporting the conversion of the Pittman-Robertson Fund into a Treasury based trust fund, with the interest from the fund being available, without appropriations, to provide a source of Federal funding under the Plan. If confirmed, I will join the Secretary in working with you and other interested parties to finalize a mutually acceptable implementation program.

Fish and Wildlife Service
Director - Designate

Senator Chafee

Recently, much attention has been paid to the rundown condition of many of our national parks and the need for increased maintenance, staff and resources to enhance existing facilities.

--Are our wildlife refuges in similar straits?
--Do you feel the needs of the National Wildlife Refuge System are as great as the needs of the National Park System?
--Do you have any general comments on plans for management of our refuges?

Answer: Although I have no means to compare the urgency of Fish and Wildlife Service maintenance needs with those of the National Park Service, I have been informed that the Fish and Wildlife Service has recently conducted an evaluation of its maintenance needs; and its estimate of backlog costs exceeds $300 million. The largest portion of this amount was for refuges.

If the Fish and Wildlife Service is to effectively accomplish its mission of stewardship for wildlife and service to the public, it will require adequate equipment and well-planned facilities. It is my hope that we can enhance facilities and programs important to education, interpretation, and better management of our refuges and other natural resources, including non-game and game species. Other needs of refuges include improved water quantity and quality predator control, prevention and rehabilitation of topic contaminants, wetland enhancement, and increased citizen and volunteer involvement.

Fish and Wildlife Service
Director - Designate

Senator Simpson

1. Question: The right of Wyoming water users to contract for the remaining portion of the uncommitted Wyoming entitlement of Glendo Reservoir is not in question. Any help you could offer in seeing this matter resolved would be most appreciated.

Answer: Although I am not familiar with all of the details of past proceedings, I am aware of significant questions as to the specific use of the remaining portion of the uncommitted Wyoming entitlement at Corn Creek Project. I appreciate and share your concern over this matter. As Director, I will review this issue and determine the involvement and position of the Fish and Wildlife Service.

Question on Wallop-Breaux: In the past several years the Office of Management and Budget has attempted to raid the Wallop-Breaux Trust Fund. This not only violates the principle that user pays, user benefits, but it also creates a precedent for diverting money from a trust fund to non-related purposes. Would you oppose any and all future attempts to divert Wallop-Breaux Trust Funds to other purposes?

Answer: I would expect to be consulted on any proposals made by the Office of Management and Budget concerning funds for the Fish and Wildlife Service. If these proposals are inconsistent with the needs of the Service, I would recommend against their inclusion in the budget. As I stated to Senator Breaux at the confirmation hearing, I believe that user fees should be returned to benefit the resources and needs associated with the user. I understand that the President has taken a position that Wallop-Breaux Trust funds should not be diverted to other purposes. I support his position.

DUCKS UNLIMITED INC.

NATIONAL HEADQUARTERS
One Waterfowl Way
Long Grove, Illinois 60047
(312) 438-4300
WASHINGTON OFFICE
1155 Connecticut Ave. NW
Suite 800
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(202) 452-8824

STATEMENT OF DUCKS UNLIMITED, INC.

TO THE SENATE ENVIROMENT AND PUBLIC WORKS COMMITTEE

ON THE NOMINATION OF JOHN F. TURNER TO BE

DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE

STATEMENT OF DUCKS UNLIMITED, INC.
TO THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
ON THE NOMINATION OF JOHN F. TURNER TO BE
DIRECTOR OF THE U.S. FISH AND WILDLIFE SERVICE

Mr. Chairman and distinguished members of the Committee, Ducks Unlimited is honored today to offer the following testimony in support of John F. Turner's nomination to be Director of the U.S. Fish and Wildlife Service.

These are extremely difficult times for North America's waterfowl resource, and Ducks Unlimited has assumed a leadership role among private-sector conservation organizations in restoring and preserving wetland habitat vital to the survival of wild ducks and geese. As many of you know, Ducks Unlimited's continental conservation programs also positively impact over 600 additional wildlife species. For more than 50 years Ducks Unlimited has worked diligently on behalf of our waterfowl resource, raising one-half billion dollars through the efforts of grass roots volunteers to fund its conservation initiatives.

Mr. Turner has made it clear that he shares Ducks Unlimited's concern for the quality of our nation's environment and is pledged to further efforts aimed at the preservation and restoration of its natural resources. As a trained biologist, Mr. Turner has published an impressive array of research studies, including specialized work with bald eagles and ospreys. The recipient of a Masters degree in Wildlife Ecology, with additional graduate work in zoology, Mr. Turner further expanded

his range of wildlife expertise through hands-on experience while assisting in the operation of a Wyoming guest ranch and by his voluntary participation in a number of projects conceived on behalf of wildlife. Turner's comprehensive scientific and technical background ideally prepares him for the varied wildlife management responsibilities of the Service.

Throughout the course of his distinguished 20-year political career, Mr. Turner has acquired invaluable experience in dealing with a multitude of environmental issues. Ducks Unlimited is confident that Mr. Turner's tenure as a member of the Wyoming state legislature has prepared him well for the position of Director of the U.S. Fish and Wildlife Service.

As a veteran legislator, Mr. Turner has established an enviable record as a leader in many arenas. His commitment to enhancing the human condition and improving the plight of wildlife has been unswerving. Mr. Turner has received meritorious awards for his outstanding efforts from a wide range of public service organizations, as well as those honors bestowed upon him in recognition of his work with wildlife conservation groups.

By serving on numerous committees involved with environmental issues, Turner has developed an acute awareness of the many challenges and problems confronting both man and wildlife. He has served with distinction on the National Wetlands Policy Forum, the National Park System Advisory Board, the Take Pride in America Campaign and the Hovensweep Task Force for the National

Park Service, all commendable endeavors.

Ducks Unlimited is confident that Mr. Turner will serve as an excellent Director of the U.S. Fish and Wildlife Service, and would welcome the opportunity to work with him in the preservation of our nation's wetlands and wildlife resources. Ducks Unlimited fully endorses his nomination to assume the position as Director of the U.S. Fish and Wildlife Service.

International Association of Fish and Wildlife Agencies
(Organized July 20, 1902)
Hall of the States
444 North Capitol St. NW, Suite 534, Washington, DC 20001 (202) 624-7890
R. Max Peterson, Executive Vice President

July 24, 1989

The Honorable Quentin N. Burdick, Chairman
Committee on Environment & Public Works
458 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Burdick:

The International Association of Fish and Wildlife Agencies, which includes all 50 states as members, is pleased to support the nomination of John F. Turner of Wyoming to be Director of the US Fish and Wildlife Service.

Mr. Turner has a professional education in wildlife management as well as years of field experience related to wildlife management. The International Association of Fish and Wildlife Agencies has consistently supported professionally trained and experienced heads of major resource agencies without regard to political affiliation. The Director of the Fish and Wildlife Service is a vitally important position which we strongly believe requires an individual with professional wildlife education and experience necessary to make sound long-term resource decisions.

The Director of the Fish and Wildlife Service is an important member of the federal/state/private partnership which is essential to the long-term well being of wildlife and fish resources of the nation. The states, as equal partners with responsibility for management of resident fish and wildlife, are aware of and appreciative of Mr. Turner's long years of experience in the field and at the state level in Wyoming.

President Bush has recently re-affirmed his long standing interest and support for fish and wildlife, including opposition to caps on Wallop/Breaux and Pittman/Robertson funds, support for the North American Waterfowl Management Plan and for a policy of no-net-loss of wetlands. This provides a unique opportunity for the director of the Fish and Wildlife Service. As a key member of Interior Secretary Lujan's staff he will be a key player in seeing that the President's policies are reflected in programs and policies of the Department of Interior.

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Executive Committee 1988-89

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LARRY J. WILSON, Des Moines, IA

The International Association of Fish and Wildlife Agencies looks forward to constructive and cooperative working relationships with Mr. Turner.

I would appreciate your making our letter a copy of the confirmation record.

Sincerely,

R. Max. Peterson
Executive Vice President

cc: Mr. John F. Turner

Working for the Nature of Tomorrow.
NATIONAL WILDLIFE FEDERATION
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STATEMENT OF

THE NATIONAL WILDLIFE FEDERATION

IN SUPPORT OF THE NOMINATION OF

MR. JOHN F. TURNER

AS

DIRECTOR OF THE
U.S. FISH AND WILDLIFE SERVICE
DEPARTMENT OF THE INTERIOR

BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
U.S. SENATE

JULY 24, 1989

Dr. Jay D. Hair
President

With The Assistance Of:

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On behalf of the National Wildlife Federation (NWF) --the nation's largest private conservation/education organization with over 5.8 million members and supporters-- I am pleased to submit this testimony in support of the nomination of Mr. John F. Turner to be the next Director of the U.S. Fish and Wildlife Service (FWS).

John Turner's credentials to serve as the top federal wildlife administrator in the country are excellent. As a ranch owner and outfitter, Mr. Turner has lived close to the land throughout his life. He has an education well-suited to the position, having received his Masters of Science in Wildlife Ecology from the University of Michigan. His tireless dedication to wildlife conservation has been abundantly evident during his 19-year tenure as a Senator of the Wyoming State Legislature. As President of the Wyoming State Legislature Mr. Turner served with distinction and was highly respected for his rigorous standards of excellence. It was with great pride that the National Wildlife Federation presented a Special Achievement Award to Mr. Turner in 1984 for his conservation efforts. In short, Mr. Turner's dedication to wildlife conservation, his high standards of excellence, record of accomplishment, and professional grounding in wildlife ecology hold great promise that Mr. Turner will be an excellent Director of the FWS. The National Wildlife Federation looks to Mr. Turner to lead the way in renewing and strengthening the dedication of the FWS to its duties as the steward of this Nation's fish and wildlife resources.

The issues awaiting the next Director of the FWS are many. They include wetlands conservation, endangered species protection and recovery, anadromous fisheries management and restoration, nongame wildlife management, and record low waterfowl populations. To effectively address these and the many other fish and wildlife issues, Mr. Turner will need the support of the Administration, and of the Congress.

Mr. Turner has been nominated to head an agency whose professional staff have become dispirited and skeptical from years of failed leadership and questionable practices. In the past, top-level FWS decisions and actions too often have been driven by political considerations rather than resource considerations and strict adherence to the Nation's fish and wildlife laws. A major effort is, therefore, needed by the new Director to restore and rekindle the spirit, energy, morale and professional integrity which was once the hallmark of the FWS. Returning professionalism to FWS decisions and actions will take time, but we are convinced John Turner can do it. Mr. Turner must --and will-- insist that his agency's actions implement fully and enforce rigorously the fish and wildlife laws of the Nation. By his own example and through his demonstrated leadership, Mr. Turner must ensure that the FWS's actions are built upon sound biology and not skewed by political pressure.

One issue which Mr. Turner will face daily is enforcement of the Endangered Species Act (ESA). In the past, tremendous pressure has been exerted on the FWS Director to circumvent or completely ignore the ESA. For example, a U.S. District Court recently determined that the "United States Fish and Wildlife Service's decision not to list at this time the northern spotted owl as endangered or threatened under the Endangered Species Act was arbitrary and capricious and contrary to law." *Northern Spotted Owl v. Hodel*, 19 Env. L. Rep. (Env. L. Inst.)20277, 20278 (W.D. Wash. 1988) Similarly, a recent GAO report concluded that the FWS considered factors other than the biological status of the spotted owl in clear violation of the ESA, in determining if the species should be listed. *Endangered Species: Spotted Owl Petition Evaluation Beset By Problems*, GAO/RCED-89-79 (February 1989) We are confident that Mr. Turner will reject those who seek such blatant abuse of the Nation's premiere wildlife statute and will move forward with vigorous implementation of the ESA.

The FWS must set the standard for the application of the provisions of the ESA, emphasizing the importance of making sure the formally listed species of wildlife and plants are assured proper protection in all instances, as the Congress has required in the legislation. The FWS must avoid the political temptation to agree to programs that may jeopardize listed species, adopting the rationale that any conflicts can be resolved later, after the damage has been done.

One specific ESA issue with which the new Director will be confronted is recovery of the timber wolf. The time has come for the FWS to move forward with recovery of this endangered predator by implementing the Northern Rocky Mountain Wolf Recovery Plan, signed by the Director more than two years ago. The Environmental Impact Statement on reintroduction of the wolf should be initiated immediately.

Another ESA issue is recovery of the red-cockaded woodpecker. The FWS should review and update its Red-cockaded Woodpecker Recovery Plan (RCW Plan). Since completion of the RCW Plan in 1985, significant new biological data have become available establishing that the RCW Plan is inadequate and in error. As well, since completion of the RCW Plan, the U.S. Forest Service has documented widespread decline in red-cockaded woodpecker populations despite implementation of the RCW Plan.

The NWF recommends that the FWS expand greatly its role in the conservation of watchable (nongame) wildlife and support full funding of the Fish and Wildlife Conservation Act of 1980 (Act). Incredibly, the FWS has never testified in support of funding the Act, which is necessary to provide critically-needed funds to state fish and wildlife agencies for the management of their watchable wildlife resources. A recent NWF study identified an annual need of over $66 million for state watchable wildlife

programs. It is now time for the FWS to speak out in full support of the Act and its funding. Further, the Director must pledge his support to development of a much expanded and more thorough "Nongame Migratory Bird Management Plan," presently in draft form.

Another issue of tremendous concern to the NWF and of critical importance to this nation is the protection of wetlands. The FWS can and should play a lead role in implementation of President Bush's declared policy of "no net loss of wetlands." The FWS must engage in its regulatory, consultation and other actions regarding wetlands with renewed vigor and dedication. Specifically, the Service must be strong in its actions regarding especially Section 404 of the Clean Water Act, Swampbuster provisions of the 1985 Food Security Act, conservation easement acquisitions, and property transfers from Farmers Home Administration inventory lands. We also look to the FWS to play a strong and active role in the President's new Domestic Policy Council Task Force on Wetlands.

The FWS, which is already taking an important part in implementation of the North American Waterfowl Management Plan (Plan), should expand and strengthen its role. The Plan, a bold initiative to conserve wetlands and to restore this Nation's depleted waterfowl populations, should be aggressively pursued by the FWS. However, in taking these actions, we urge that other important FWS resources not be diminished or redirected. Rather

than "robbing Peter to pay Paul," the FWS must obtain new fiscal resources and staff to meet its increased obligations in implementing the Plan. Absent this, the FWS runs the serious risk of returning to its days of the Bureau of Sport Fisheries and Wildlife, when game management and research was the agency's focus.

Another key issue which Mr. Turner must address is conservation of this Nation's fisheries resources. The FWS was the leader in developing the National Recreational Fisheries Policy (Policy), a blueprint for the nation to conserve and improve its recreational fisheries resources. Despite this leadership role of the FWS, which we endorse, the current actions of the FWS are far short of what is needed to realize the full potential of this nation's fisheries resources. During the early and mid-1980's, the agency de-emphasized its fisheries programs in favor of its other missions. Programs such as reservoir fisheries research, professional fisheries training, and some anadromous fisheries management initiatives were the casualties. Only a dedicated effort by Mr. Turner and the FWS will assist with recovery of the important anadromous fish stocks currently at depressed levels of abundance and satisfy the increasing demands from the growing recreational fishing user group. Areas which need improvement include anadromous fisheries management, fisheries management on National Wildlife Refuges, professional training through the National Fisheries Academy, fisheries

research, and the facilities of the fish hatchery system. The time is now for an enhanced FWS fisheries conservation program.

Finally, but importantly, Mr. Turner must ensure that the Federal Aid Programs, the Sport Fish Restoration (Wallop-Breaux) and Wildlife Restoration (Pittman-Robertson) Programs, evolve to meet the needs of the nation's growing and changing sport fish and wildlife constituents who support these programs. In the past, the agency has sometimes treated the Federal Aid Programs with low regard, in terms of personnel decisions and emphasis, despite the enormous importance and strong public support for these programs. A recent report, titled "Federal Aid Strategy Document", outlined steps necessary to maintain a first rate Federal Aid Program. Some of these steps have been made in the past year; others have not. Mr. Turner should follow through on implementing the recommendations of this report, to ensure high quality in the Federal Aid Program.

We recognize that not even the Director of the FWS can be expected to be able to make his own determinations about matters of fiscal or legislative priority, and must be a part of the Administration team. Even so, we expect the Director to be a strong advocate within the Administration and to advance his positions based upon sound scientific information and the wealth of experience available to him within the FWS. The Director speaks for public resources and values which have no voice of

their own and he has a responsibility to represent a constituency of fish, wildlife and habitats, as well as the people of the Nation who care about those resources.

Mr. Turner holds great promise as the next Director of the U.S. Fish and Wildlife Service. He has the skills and integrity necessary to manage the Nation's foremost fish and wildlife agency effectively. We fully support the nomination of Mr. John F. Turner to this important position and urge the Committee to act expeditiously and favorably on the nomination so that Mr. Turner may take up soon the important work which awaits him. Mr. John Turner will be a key leader in implementing President Bush's commitment to protecting the environment and we look forward to forging a strong working relationship with him in the years ahead.

Thank you.